Volume 35 FEBRUARY 1952 Number 5

Journal *of the* American Judicature Society

SECRECY IN CRIMINAL INVESTIGATIONS
EDITORIAL

THE LEGAL PROFESSION IN ENGLAND AND WALES
THOMAS G. LUND

POWER AND DUTY OF TRIAL COURT TO SUPERVISE CONDUCT OF TRIAL

JUDICIAL ADMINISTRATION LEGISLATIVE SUMMARY

"FROM HERE AND THERE"
NEWS BRIEFS

A NEW BOOK ON UNAUTHORIZED PRACTICE
BOOK REVIEW

AMERICAN JUDICATURE SOCIETY
Ann Arbor, Michigan

THE AMERICAN JUDICATURE SOCIETY

To Promote the Efficient Administration of Justice

Founded in 1913 by Herbert Lincoln Harley

Hutchins Hall

Ann Arbor, Michigan

President: GEORGE E. BRAND

Vice Presidents: HOWARD L. BARKDULL, ALBERT J. HARNO, FRANK C. HAYMOND
BOLITHA J. LAWS, JOHN J. PARKER

Chairman of the Board: LAURANCE M. HYDE

Secretary-Treasurer: GLENN R. WINTERS

DIRECTORS

Alabama—
WILLIAM LOGAN MARTIN
Arizona—WALTER E. CRAIG
Arkansas—LAMAR WILLIAMSON
EDWARD L. WRIGHT
California—HERBERT W. CLARK
DOUGLAS L. EDMONDS
LOYD WRIGHT
Colorado—HUBERT D. HENRY
ORIE L. PHILLIPS
Connecticut—CHARLES E. CLARK
CHARLES M. LYMAN
Delaware—JAMES R. MORFORD
District of Columbia—
HOMER CUMMINGS
WILBUR L. GRAY
ROBERT N. MILLER
LELAND L. TOLMAN
Florida—CODY FOWLER
SCOTT M. LOFTIN
WILLIAM A. MCRAE, JR.
Georgia—E. SMYTHE GAMBRELL
Idaho—HUGH A. BAKER
Illinois—RICHARD BENTLEY
ALBERT E. JENNER, JR.
BENJAMIN WHAM
KARL C. WILLIAMS
Indiana—L. L. BOMBERGER
KURT F. PANTZER
Iowa—FREDERIC M. MILLER
JOHN D. RANDALL
Kansas—ROBERT STONE
Kentucky—MARCUS L. REDWINE
Louisiana—PAUL BROSMAN
EBERHARD P. DEUTSCH
CHARLES E. DUNBAR
Maine—CLEMENT F. ROBINSON
Maryland—EMORY H. NILES
CHARLES RUZICKA
Massachusetts—
FRANK W. GRINNELL
ERWIN N. GRISWOLD
ROSCOE POUND
REGINALD HEBER SMITH
Michigan—WALTER S. FOSTER
IRA W. JAYNE
E. BLYTHE STASON
EDSON R. SUNDERLAND
Minnesota—GEORGE P. HOKE
CHARLES LORING
MORRIS B. MITCHELL
MAYNARD E. PIRSIG
Mississippi—
GIBSON B. WITHERSPOON
Missouri—CHARLES M. BLACKMAR
RICHARD J. CHAMIER
JAMES M. DOUGLAS
THOMAS F. MCDONALD
Montana—JULIUS J. WUERTHNER
Nebraska—CLARENCE A. DAVIS
ROBERT G. SIMMONS
Nevada—MILTON B. BADT
New Hampshire—
ROBERT W. UPTON
New Jersey—WILLIAM W. EVANS
RICHARD HARTSHORNE
ARTHUR T. VANDERBILT
JOHN H. YAUCH, JR.
New Mexico—PEARCE C. RODEY
New York—EMERY A. BROWNELL
HAROLD J. GALLAGHER
HAROLD R. MEDINA
WHITNEY N. SEYMOUR
North Carolina—
FRANCIS E. WINSLOW
North Dakota—HERBERT G. NILLES
Ohio—DONALD A. FINKBEINER
WAYMON B. MCLESKEY
CARL V. WEYGANDT
ROBERT N. WILKIN
Oklahoma—ALFRED P. MURRAH
Oregon—GEORGE ROSSMAN
Pennsylvania—
JOHN G. BUCHANAN
EDWARD J. FOX, JR.
WILLIAM CLARKE MASON
DAVID F. MAXWELL
Rhode Island—HENRY C. HART
South Carolina—
PINCKNEY L. CAIN
South Dakota—
VAN BUREN PERRY
Tennessee—
WALTER P. ARMSTRONG, JR.
Texas—WILLIAM B. CARSSOW
JAMES L. SHEPHERD, JR.
ROBERT G. STOREY
Utah—PAUL H. RAY
Vermont—OSMER C. FITTS
Virginia—STUART B. CAMPBELL
EDWARD W. HUDGINS
Washington—FRANK E. HOLMAN
ALFRED J. SCHWEPPE
West Virginia—CHARLES C. WISE
Wisconsin—E. H. HALLOWS
RALPH M. HOYT
CARL B. RIX
Wyoming—A. G. MCCLINTOCK
Territories, Possessions and Foreign Countries—
ENRIQUE IGARAVIDEZ

THIS JOURNAL will be sent free on request to any person interested in the administration of justice. Extra copies and back numbers are available at prices indicated in the price list of publications in the June, 1950, issue. Published bi-monthly, in February, April, June, August, October and December. Permission is hereby given to quote from or reprint, with credit, any article or editorial originating in this or any other issue. The JOURNAL is a clearing-house of fact and opinion with respect to all matters connected with the administration of justice in this country. Views and opinions in editorials and articles are not to be taken as official expressions of the Society's policy unless so stated, and publication of contributed articles does not necessarily imply endorsement in any way of the views expressed therein. Readers are invited to submit news of developments in the field of judicial administration in their respective localities, and articles for publication, which should preferably be not more than 3,000 words or ten pages of manuscript, double-spaced. Editorial offices: 424 Hutchins Hall, 621 S. State St., Ann Arbor, Mich.

JOURNAL OF THE AMERICAN JUDICATURE SOCIETY

Vol. 35, No. 5 GLENN R. WINTERS, Editor February, 1952

Shall the Ancient Rule of Secrecy in Criminal Investigations Be Discarded?

EDITORIAL

FROM the viewpoint of judicial administration, a congressional committee investigation is neither beast, bird nor fish. Its proceedings are not judicial, for no issues are before it for decision. It is not a grand jury, for its object is not to indict. It is not legislative, for its recommendations do not have the force of law until they have passed through regular legislative channels. Yet it has some of the characteristics of all three, all of which may be seen in the recent Kefauver committee investigation.

Although this committee's work was not legislative, it appended to its report drafts of proposed legislation which may be expected to go through Congress on just about the same basis as if they had come from the judiciary or other legislative committee instead of an investigating committee. It was not a judicial body, and yet the participants found it necessary to remind themselves constantly that such was the case. To the television viewer, the committee chairman and his colleagues occupied a position roughly comparable to chief justice and associate justices; witnesses on the "stand" were interrogated by the committee's counsel for all the world as if he had been a prosecutor, and occasionally they had their own counsel present to protect their interests. To add to the illusion, many of the hearings were actually conducted in courtrooms, and millions of viewers never knew the difference. The slips of the tongue in which those proceedings were inadvertently referred to as judicial were as revealing as they were amusing.

The kinship of a committee investigation to grand jury proceedings depends entirely upon the subject-matter under investigation. If it is such a matter as the adequacy of safety practices in coal mines, or the desirability of additional financial aid to Europe, there is little or no connection or similarity. If it is searching out facts regarding organized crime, unAmerican activities, fraud in national defense contracts, or the Teapot Dome oil scandal, then it has a great deal in common with a grand jury. About the only difference between the work of the Kefauver committee and that of a grand jury was the rather tenuous one that the committee itself did not indict. It did, however, turn its findings over to other authorities which followed through with indictments

TABLE OF CONTENTS

SHALL THE ANCIENT RULE OF SECRECY IN CRIMINAL INVESTIGATIONS BE DISCARDED? Editorial 131
RESOLUTIONS SET STANDARD FOR TRAFFIC COURT IMPROVEMENT 133
THE LEGAL PROFESSION IN ENGLAND AND WALES, by Thomas G. Lund 134
POWER AND DUTY OF TRIAL COURT TO SUPERVISE CONDUCT OF TRIAL 145
JUDICIAL ADMINISTRATION LEGISLATIVE SUMMARY 148
FROM HERE AND THERE 150
THE READER'S VIEWPOINT 155
THE LITERATURE OF JUDICIAL ADMINISTRATION 157
NEW MEMBERS OF THE AMERICAN JUDICATURE SOCIETY 159

and prosecutions, and the result was just about the same to the witness-defendants involved.

ATTITUDES of the critics of and apologists for television broadcasting of the Kefauver hearings have been chiefly determined by which of these aspects of the committee's work most impressed them. The authors of the minority report of the Civil Rights Committee of the Association of the Bar of the City of New York obviously regarded it primarily as a legislative instrument. Several pages of their report were devoted to buttressing the argument that the legislative function includes informing the public as well as enacting laws, and this was a major factor in their ardent defense of radio, television and newsreel coverage of such proceedings. Many others who have commented on television publicity have identified the hearings in their minds with judicial proceedings, and these people have been rightfully concerned about the difficulties of procuring the truth from a witness under the distractions of blazing lights, whirring cameras, flashing bulbs and "mike-fright," not to mention the inevitable tendency to dramatize for the benefit of the audience. A third group of observers is most impressed with the grand jury aspects of the Kefauver investigation, and these people are aghast at the wholesale manner in which it overrode considerations of public policy and individual rights which have been foundation stones of grand jury procedure for centuries.

Anybody who ever has done any kind of research or investigation knows that it is an expected and inevitable part of the job that many fruitless endeavors will be undertaken and false leads pursued. The sacred secrecy of grand jury proceedings is predicated upon the urgent necessity of protecting the good name and reputation of the many innocent persons who must be questioned and who may at one time or another through no fault of their own be under suspicion before the choice finally narrows down to the few or the one as to whom there is sufficient probable cause to warrant an indictment. The spectacle of witness after witness being skillfully and relentlessly questioned in typical grand jury fashion, about suspected criminal activities, not only of other people, but of himself as well, not behind the closed doors of a grand jury room but in a crowded auditorium before microphone and camera, with 30,000,000 people hanging on his every word, is something to give pause to every person who holds Americanism dear.

TELEVISION has brought the issue to the forefront today, but television is only an aggravation of a practice that has been going on for decades and was fundamentally wrong from the start. It is not enough to say that a witness ought not to have the risk of irreparable damage to his reputation compounded by television. He should not be compelled to incur the risk at all. Television cameras should be excluded from all criminal investigations, whether by grand jury, congressional committee or any other official or governmental agency, and so should newsreel and press photographers, broadcasters, reporters and visitors. The standard of fairness in publicity of federal criminal investigations is set forth in Rule 6 (e) of the Federal Rules of Criminal Procedure, which specifies that disclosure of matters occurring before a grand jury may be made only to government attorneys for use in the performance of their duties, or when directed by the court in connection with a judicial proceeding, or under certain circumstances at the request of the person involved.

To say that these risks to the individual must be subordinated to the greater importance of educating the public is only to fall for the totalitarian doctrine that the state is more important than the individual. It is the pride and glory of America that we will let the guilty go free rather than punish the innocent, and that every man is presumed to be innocent until he is proven guilty.

When congressional committees investigate problems of inland waterways, farm prices, industrial working conditions, and a thousand other matters of public interest and concern, they can render an admirable public service by educating the public as to those matters through publicity by all available means, including radio and television. When they are investigating the commission of crimes, they ought to have no more power over their witnesses than any other criminal investigating body, and they should be subject to the rules that have governed those investigations throughout Anglo-American legal history.

Resolutions Set Standard for Traffic Court Improvement

The following resolutions, sponsored by the A.B.A. Traffic Court Program, have been approved during recent months by the Conference of Chief Justices, the Conference of Governors, and other organizations.

RESOLVED THAT:

1. The local courts of first instance have greater opportunities and therefore greater responsibilities than any other courts for (1) safeguarding life and limb from automobile accidents and (2) promoting respect for law on which free government necessarily depends.

2. All trial courts of first instance in the state should be fully integrated into the judicial system of the state and wherever necessary a reorganization of the state-wide system of courts should be undertaken to accomplish this objective.

3. Uniform procedure regulating civil and criminal practice in all trial courts of first instance within a state should be promulgated by the agency charged with the responsibility for preparing rules of procedure.

4. In each state where the chief justice or some administrative official designated by him is authorized to supervise the work of the trial courts of first instance, he should collect, collate and publish judicial statistics relating to the work of such courts, to obtain efficiency, uniformity and simplicity of procedure therein.

5. Suitable court rooms are as essential to the dignity and effectiveness of local courts of first instance as they are to all other courts; each state should by statute require suitable court rooms for every court, and it should be the duty of an administrative judge or official in each state to supervise the work of complying with such requirements.

6. Trial courts of first instance having traffic and other jurisdiction should arrange separate sessions for the handling of traffic cases and dispose of them at a different time than other criminal business.

7. Each state should require the attendance of all judges of trial courts of first instance and of public prosecutors assigned to such courts at an annual judicial conference of such courts for the purpose of discussing their current problems and of being instructed with respect thereto.

8. The evil of traffic ticket "fixing" should be eradicated, and a non-fixable uniform traffic violations ticket similar to those used in Michigan and New Jersey should be adopted by each state and the police required to use it.

9. It is improper for either a police officer testifying in a case or the judge hearing the case to act as prosecutor in any contested case, and in all such cases it is advisable that there should be a public prosecutor to represent the state.

10. Because of the increasing toll of highway accidents, trial courts of first instance should require all persons charged with moving violations to appear in court in person, and the traffic judges should increase the amount of individual attention given to each case of such nature for the purpose of assessing adequate corrective penalties, and that, if necessary, steps be taken to add additional judges and prosecutors to accomplish this end.

11. Police appearing as witness in traffic cases should receive especial training for their important task.

12. Judges of local courts of first instance should be members of the bar especially trained in traffic matters.

13. The judges of local courts of first instance should be selected on some non-partisan basis.

14. There should be a violations bureau in every traffic court under the supervision of the judge to handle non-moving traffic offenses in order that the judge may have time to deal adequately with more serious offenses.

15. Fines and penalties for each offense, insofar as possible, should be uniform throughout a state in proportion to the gravity of the offense. Consideration should, of course, be given to the number of offenses committed by a particular defendant. In flagrant cases, or for repeated offenses, a driver's license should be suspended temporarily or revoked permanently.

16. The judges of local courts of first instance have especial opportunities and therefore especial responsibilities not only in traffic cases but in the exercise of their general jurisdiction to educate the citizens who appear in their courts in the necessity of respect for law and with regard to the safety and welfare of others.

SERLE'S GATE, LINCOLN'S INN.

The Legal Profession in England and Wales

By

THOMAS G. LUND

Copyright, 1952, by Reginald Heber Smith

THE legal profession in England and Wales is divided into two branches, solicitors and barristers. The judiciary are recruited primarily from the ranks of practising barristers although some of the junior appointments are open to solicitors. Appointments to all the higher judicial posts are permanent, that is to say, a judge will not revert to private practice on retirement from the bench.

It must be borne in mind that in Scotland and Northern Ireland there is a similar division of the legal profession but the legal systems are distinct, and the control, discipline and training of lawyers in those countries are entirely independent of the profession in England.

This survey is primarily concerned with solicitors in England and Wales but in order that the organization of this branch of the legal profession may be fully understood it is necessary shortly to consider the historical development of the profession as a whole and also, briefly, the organization of the bar.

BEGINNINGS OF THE PROFESSION

In the earliest days of the English courts all litigants had to appear in person; gradually, however, two types of lawyer began to appear—the pleader and the attorney. Prior to the 13th century after the suitor had made an initial appearance he could then be represented by an attorney-at-law who was appointed for that purpose by Letters Patent under the Great Seal or by Parliament. This mode of appointment was too cumbrous and expensive to last long and in 1226 an Act was passed which provided that any freeman might appoint an attorney to act for him. The appointment of a pleader was early allowed as of right in all courts but the attorney was a general agent for the litigant for all purposes connected with legal proceedings; he stood in the client's place in court and could commit him, whereas the pleader acted solely as his advocate.

The profession of "solicitor" appears to have been inferior to that of "attorney" and of later date. This inferiority continued until the 17th century, as in 1654 it was provided by a rule of court that no person should be admitted as an attorney unless he had practiced for five years in the courts as a common solicitor. The business of solicitors at first consisted in the superintendence of the legal affairs of others but unlike attorneys they had no power to bind their principals. In later times, however, they had the conduct of all matters in Chancery and as the business of that court in-

creased and as the two professions were latterly generally united in the same individual the term solicitor gradually came to supersede that of attorney until by the Judicature Act, 1873, the latter term was entirely abolished. Up to that time, however, the practitioners in the courts of common law were invariably styled attorneys.

Long after the right to appear by attorney had been recognized by law there existed no regulation as to their admission but a discretionary power appears to have been vested in the chief officers of the Courts to appoint proper persons to be attorneys. Even so early as the 14th century the profession was evidently overcrowded but despite special restraints imposed by Parliament the numbers grew steadily. It is significant also that from the 15th century onwards there were frequent complaints about the conduct of attorneys and solicitors; they were accused of stirring up suits for their own profit, of ignorance and delay, of charging excessive fees and of making other unnecessary demands. To remedy this state of affairs Acts of Parliament were passed giving the courts extensive control over attorneys and providing that attorneys should be examined by the judges.

THE INNS OF COURT

Both attorneys and advocates were originally members of the voluntary association of lawyers living in hostels—or Inns—in London. In 1704 all the Courts of Common Law ordered that all attorneys not already admitted to one of the Inns of Court or Chancery should procure themselves to be so admitted. It is evident, however, that the Inns of Court at least did not enforce this Regulation: in fact from the beginning of the 19th century the four great Inns of Court, namely, Lincoln's Inn, the Inner Temple, the Middle Temple and Gray's Inn, have excluded all attorneys and solicitors and their articled clerks from being members of their societies, which now consist exclusively of barristers.

The judges continued to exercise supervision over attorneys and solicitors (who became officers of the court) so that even to this day the solicitors' profession is subject to close control from the judiciary and from Parliament, the legislature. On the other hand the judges were prepared to recognize the Inns of Court as possessing the characteristics of guilds of advocates and they delegated to them the control of the education, administration and discipline of advocates; they recognised that a "call to the bar" of an Inn gave an advocate—or barrister—a right of audience before them. The bar accordingly developed as the upper branch, an autonomous community eventually independent of both judges and legislature. Control of the barrister's branch of the profession is still vested exclusively in the four Inns of Court which have survived through the centuries, and as a result the bar is concentrated within a comparatively small area on the fringe of the city of London and, in recent times, in certain of the larger provincial cities.

The bar, as it is broadly understood, consists of two branches in England, barristers and solicitors. No person can be a member of both branches at once, but it is possible to change from one branch to the other and such a course is by no means rare.

Where a barrister has been qualified for less than five years he has to go through the ordinary mill if he wishes to become a solicitor. After that period he can qualify as a solicitor on ceasing to be a member of his Inn and on passing our final examination. The arrangement is roughly reciprocal. I think that more barristers probably tend to become solicitors than vice versa, but the exchange is small but steady.

THOMAS GEORGE LUND is secretary of the Law Society of England. Son of a doctor, he was educated at Westminster, qualified solicitor in 1929, and joined the Law Society staff in 1930. He became assistant secretary in 1937, and secretary the following year at the age of 33. For his part in the creation and conduct of the Special Services Divorce Department, which handled over 64,000 cases during the war, Mr. Lund was awarded the C. B. E. The Scheme submitted by the Law Society to the Rushcliffe Committee, adopted by that committee and subsequently by Parliament without material change as the Legal Aid Act, was almost entirely the work of Mr. Lund. He has taken the lead in promoting closer cooperation between the solicitors and the barristers. A popular speaker at professional meetings in his country, he is author of two books, *The Solicitors' Act, 1941*, and *Professional Conduct and Etiquette*.

THE BARRISTERS

Barristers have a monopoly of the right of audience in the superior courts, and it is from their ranks that the higher judicial offices and the law offices of the Crown (those of Attorney-General and Solicitor-General) are filled. Barristers, however, have not a complete monopoly of advocacy as a right of audience is also extended to solicitors in, for example, the county courts and Magistrates' courts. Nor is the work of barristers entirely limited to advocacy: in addition they are consulted from time to time as experts by solicitors—much in the same way as a general medical practitioner may call in to consultation a specialist.

The other fundamental difference between the two branches of the profession is that (with one comparatively unimportant exception where legal aid is granted in certain criminal matters) the bar has by convention no right of direct access to the client; the client can only approach, consult or instruct a barrister through a solicitor. A barrister must work as an individual and may not practice in partnership whereas a solicitor not only may do so but, as will be seen, generally does. Solicitors indeed do nine-tenths of the work which members of the bar in the United States carry out and it is only specialist advocacy in the Supreme Court which is an English barrister's prerogative.

Apparently no one, not even the Inns of Court themselves, knows the exact number of barristers. Very many people are called to the bar with no intention of practicing, but mainly with the intention of securing some qualification which will advance them in their career. My guess would be that the total number might be somewhere in the region of 2,000. We know that about 1,600 have offered their services for the Legal Aid Scheme, but many of these are no doubt earning their living in some way other than at the bar for the most part, e.g. in journalism.

The right of practising as a barrister is limited to those who have been called to the bar by one of the four Inns of Court; these are voluntary unincorporated societies of equal rank and status independent of the state and of each other and outside the jurisdiction of the courts though subject to the visitorial jurisdiction of the judges. They have similar constitutions and are bound by the same rules, changes of which are agreed by the joint committee of the four Inns and became effective when approved by each Inn.

GOVERNMENT OF THE BAR

The constitution of the Inns is entirely "undemocratic." The governing body, known as the Benchers, consists of the most distinguished members of the Inn, who alone have power to fill vacancies in or to add to their own numbers, to admit students to call to the Bar and to enforce discipline even to the extent of disbarring or suspending from practice. The Benchers decide on the new Benchers and it is nearly always the next most senior member of the Inn. The Inns have, however, agreed to joint regulations governing the admission of students and call to the bar and although in all these matters the Benchers are outside the jurisdiction of the ordinary Courts their decisions are subject to an appeal to the Lord Chancellor and the High Court judges sitting as a domestic tribunal.

Since 1894 there has been a central representative organization of barristers in the General Council of the Bar which comprises the Attorney-General and Solicitor-General for the time being, former holders of those offices, 48 barristers (of varying seniority) elected by the whole body of the bar and not more than six members co-opted by the Council. The Council is a consultative and deliberative body and, for example, gives evidence on behalf of the Bar: its Annual Statement contains rulings on matters of professional conduct and etiquette but it has no disciplinary powers of enforcement nor has it any control over the education or admission of Bar students. A scheme has very recently been introduced whereby barristers make a small annual voluntary contribution to the funds of the Bar Council (the amount varying from £1 to £5 according to the seniority of the barrister); formerly the Council had to rely for financial support on grants from the four Inns of Court.

A person wishing to be called to the Bar must join one of the Inns, having first passed a test of general education (of approximately the same standard as that required for entry into a university) and fulfilled certain conditions of fitness and respectability; he must "keep" a certain number of terms (generally twelve), which now involves nothing more than dining in hall on a number of days in each

HALL AND LIBRARY, LINCOLN'S INN

This picture, and the one on page 134, are from drawings by Herbert Railton in W. J. Loftie, The Inns of Court and Chancery, published by the MacMillan Company, New York, in 1893. The former apparance of the Inns of Court was largely destroyed by German bombings during the last war. American lawyers have contributed over $40,000 toward their restoration. A picture of the Law Society's Hall, on the west side of Chancery Lane, could not be procured in form suitable for reproduction here.

term, 4 terms in a year; and he must pass a qualifying examination of a largely theoretical nature. The examination approximates to those for a university law degree and Bar students frequently keep their terms while at the university. Law graduates are exempted from only a small part of the Bar examinations but do not normally need to undertake much further study to enable them to pass the Bar examination. The Inns of Court have delegated the education and examination of students to the Council of Legal Education, which organizes courses of lectures. The Bar student is under no obligation to attend any classes or to receive any practical training although the majority of those who intend to practise at the Bar undoubtedly remedy these defects. In contra-distinction to solicitors, who must be British subjects, barristers may be of any nationality.

CLASSIFICATION OF BARRISTERS

The Bar is divided into two ranks; Queen's Counsel who wear silk gowns and are called "Silks" or "Leaders"; and all other barristers who are called "Juniors." Q.C.'s are appointed on the recommendation of the Lord Chancellor and the appointment is generally (but not invariably) a necessary preliminary to elevation to the judiciary. Appointment as a Q.C. is sometimes conferred as a recognition of distinguished academic service but the practical consequences are limited to those who appear in court. There are no courts where appearance by a Q.C. is compulsory but where a Leader does appear a Junior must be briefed with him and certain work, such as settling pleadings, is only undertaken by Juniors. There are probably about 1,000 to 1,200 members of the Bar today who earn their living exclusively from their profession. A barrister who has taken silk will probably be engaged in fewer —but more important—cases and he is able to command a higher fee for his services.

The main classification of practicing barristers is into the Chancery and Common Law Bars. Chancery barristers specialise in mat-

ters dealt with in the Chancery Division of the High Court (trusts, company law, partnerships, etc.) and common law barristers with matters dealt with in the Queen's Bench Division and in the Criminal Courts. To some extent both divorce and admiralty have separate bars but probate is generally considered as within the scope of the Chancery Bar and many Common Law barristers undertake divorce work. In any event there is no hard and fast rule and any barrister can undertake work in any Division; many barristers specialise yet further, for example, in such detailed matters as company law, conveyancing or taxation and some will confine themselves almost exclusively to paper work, rarely, if ever, appearing in court.

Barristers continue to be members of the Inn where they were called to the Bar even though they may have chambers—or offices—in another Inn. The great majority practise in London but a few have chambers in provincial cities. Nearly all common law barristers are also members of a circuit. For the purpose of trials by Her Majesty's judges at Assizes, England and Wales outside London is divided into eight circuits each of which has its own Bar. A barrister can only belong to one circuit and a barrister who is not a member of the circuit cannot hold a brief upon it unless he is paid a special fee in addition to his normal brief fee and unless a member of the circuit is briefed with him.

COMPENSATION OF BARRISTERS

A barrister's fee is regarded as being an honorarium and he may not sue either the solicitor instructing him or the lay client for it. The solicitor, however, is primarily responsible and The Law Society (the governing body of the solicitors' profession) will exert pressure on the solicitor to ensure its payment. The amount of the fee is a matter for agreement between the barrister and the solicitor, but for certain matters a more or less standard scale has been generally recognized. There are also a number of conventions or rulings of the Bar Council prescribing the fees in certain circumstances; the most important of these is the so-called two-thirds rule whereby if a Q.C. and a junior counsel are briefed the fee of the Junior must be two-thirds of whatever the Leader receives up to the maximum of 150 guineas ($441.00) on the leader's brief—beyond that the amount of the junior's fee is a matter for agreement with the solicitor.

To the fee paid to the barrister the solicitor must add the fee payable to the barrister's clerk calculated in accordance with the scale and amounting approximately to 2½% of the barrister's fee.

A career at the Bar is highly speculative. A barrister's work must all come to him from solicitors and he must accordingly acquire a reputation with solicitors. This clearly takes time and it may be several years before he can establish himself and earn enough to maintain himself. The present system, moreover, tends to concentrate work in the hands of a comparatively limited number of "fashionable" barristers who are still able to earn large incomes: on the other hand it is probably true to say that many of the Bar with considerable talent are underworked.

While the Bar have at all times been associated with the Inns of Court, attorneys and solicitors were formerly associated with the Inns of Chancery but these Inns, lacking any of the power, authority and prestige of the Inns of Court, became atrophied and slowly decayed. Early in the 18th century there was established the Society of Gentlemen Practicers in the Courts of Law and Equity. This was an association of London solicitors and attorneys. It was primarily concerned with enhancing the reputation of the profession in the eyes of the public and safeguarding the rights of its members.

THE LAW SOCIETY

This Society was the forerunner of The Law Society which first came into being in 1823. It was originally established as a joint stock company and was later incorporated by Royal Charter. It was formed for the purpose of providing a hall, library, lecture room, fireproof rooms, office, arbitration rooms and club room and "for such other objects and purposes as might be considered desirable for the convenience and advantage of the profession." In the prospectus issued in 1823 there was a reference to "the exertions of a recognized body of practitioners anxious to co-operate in promoting every measure calculated to afford facilities for professional practice, to remedy abuses and to sustain the just claim of their branch of the profession to the respect of the community at large."

In the recitals of the Society's present charter

there is reference to the "general purposes of the Society in promoting professional improvement and facilitating the acquisition of legal knowledge." The objects of the Society are not otherwise stated. Membership of the Society has always been voluntary; all English, Welsh, Scottish and Irish solicitors are eligible for membership although very few Scots or Irish are members. In 1832 there were 836 members, 724 of whom practised in London. In 1951 out of about 22,000 English solicitors engaged in the practice of the law about 16,000 were members. It is important to bear in mind that the number of practising solicitors (i.e., those who take out an annual certificate) in that year was 17,100 and that many of these as well as the majority of the non-practising solicitors are either assistant solicitors in private practice, whose principals are members, or are in government or local government employ. With taxation at its present high rate, it is really remarkable that we have as many voluntary members as we have.

It has been previously pointed out that the solicitors' profession is largely regulated by statute. Notwithstanding the voluntary nature of The Law Society, the Society has been entrusted by Parliament with many powers, obligations and duties with respect to the profession. Nevertheless it must not be assumed that The Law Society has been given the same measure of control over solicitors as is exercised by the Inns of Court over barristers; many powers in respect of solicitors are still vested either in the judges or specifically in the Master of the Rolls, who is the president of the Court of Appeal and, as his name denotes, is in charge of the Rolls or records.

EDUCATION AND TRAINING

Parliament has by statute laid down what training is necessary for a solicitor. Apart from barristers and certain "colonial" solicitors of not less than five years' standing, every intending solicitor is required to serve a period under articles of clerkship (or apprenticeship) with a solicitor engaged in the active practice of the law. The term is normally five years but is reduced to three years for university graduates (whether in law or arts) and for those with at least ten years' previous experience in a solicitor's office. There is also a reduction to 4½ years or four years for those who have passed certain higher general educational examinations before entering into articles. The intending solicitor is required to pass a preliminary examination in general knowledge, an intermediate and a final examination in law and an examination in bookkeeping and trust accounts. Before, however, he can enter into articles he must obtain the consent of The Law Society and to this end he must satisfy the Society of his character, suitability and fitness to do so; he must appear for a personal interview before a local panel of solicitors appointed by The Law Society for this purpose and may be required to appear before the Council—the governing body—of The Law Society. There is no appeal from the decision of the Society refusing permission to be articled. Comparatively few are refused. Those who are refused are usually refused on the grounds that there has been some streak of dishonesty disclosed, but the interview serves to warn intending solicitors that they are entering a profession whose prime duty is to serve the public and not to look after their own financial interests.

The management and control of examinations for solicitors has been placed by Parliament in the hands of the Law Society which is empowered to make regulations governing the syllabus, the appointment of examiners and other kindred matters. These regulations, however, must be approved by the Master of the Rolls, the Lord Chancellor and the Lord Chief Justice and the objection of any two of these is fatal; the consent of one at least of these judges is necessary to any Regulation made by the Society concerning examination fees, which must be devoted by the Society to meeting the expenses of the examinations or of the legal education of articled clerks generally. The intermediate examination is one in general theory and principles of land law, the hands of The Law Society which is emcontract, tort, constitutional law, and trust accounts and bookkeeping; the final examination is a practical test of great difficulty with six papers covering a very wide field. The holder of a university degree in law is exempt from the law portion of the intermediate examination and has the term of his articles reduced to three years. Apart from this a law graduate wishing to qualify as a solicitor receives no concessions by reason of his degree.

Before taking the final examination the articled clerk must have attended a course of legal

education at a school of law provided or approved by The Law Society. Only those articled clerks who have obtained a law degree, who have already served ten years as a clerk to a solicitor or who have the special consent of the Society are exempt from this statutory requirement. The provided law school is The Law Society's own School of Law in London and The Law Society has also approved for this purpose various universities and university Colleges with recognized law schools to which The Law Society makes financial grants. The required course of legal education is of one year's duration, either part-time at the approved law schools or full-time at The Law Society's School of Law.

The Law Society has power by Regulation to refuse to allow a candidate to sit for any of the Society's examinations if for any reason the Society is dissatisfied with his moral fitness to be allowed to qualify as a solicitor or with his service under articles; there is no appeal from the Society's decision in this respect. The Law Society has in fact a very great measure of control over entry into the profession and this is maintained even when the articled clerk has qualified and whether or not the individual solicitor is a member of the Society. Apart altogether from the preliminary inquiry as to character, The Law Society may at any stage of a clerk's career while serving under articles, if fresh information is brought to their notice, refuse to allow a candidate to sit for any of the Society's examinations and that in effect puts an end to his making further progress towards becoming a solicitor.

PROFESSIONAL ETHICS

Notwithstanding that a solicitor may have duly qualified, Parliament does not permit him to practise as such unless he takes out an annual practising certificate or license. In the year 1949/50 17,033 practising certificates were taken out—and of these solicitors 14,400 were members of The Law Society. Solicitors, however, working as clerks to other solicitors or otherwise in salaried employment—who are also eligible for membership of the Society—do not normally require to take out a practising certificate for their work; exact numbers in this category cannot be known but it is estimated that they amount to about 5,000. Until recently there was a stamp duty payable to the Government on taking out a certificate but this has now been abolished; a small fee is payable to The Law Society which is responsible for issuing certificates and by whose authority a list of those holding certificates each year is published.

In certain circumstances The Law Society has a discretion whether or not to issue a practising certificate or whether to issue a certificate subject to conditions. This discretion arises, inter alia, while a solicitor is an undischarged bankrupt, when he has ceased to hold a practising certificate for twelve months or more, when there are money Judgments outstanding against him or when he has been suspended from practice or had his name struck off the Roll (as to which see below) and his period of suspension has expired or his name has been restored; it also arises where a solicitor having been invited by the Council of The Law Society to give an explanation in respect of any matter affecting his conduct has failed to give an explanation which the Council regard as satisfactory. The type of condition commonly imposed by The Law Society in exercise of this discretion is that the solicitor shall not practise except in partnership after obtaining the Council's approval of his proposed partners and shall not accept salaried employment unless the Council approve the employers. There is an appeal from the decision of The Law Society in such cases to the Master of the Rolls. In all cases where a discretion arises in respect of the issue of a practising certificate the Council of The Law Society also has power to prohibit the solicitor concerned from taking an articled clerk; here there is no right of appeal.

Parliament has also expressly directed The Law Society to make rules dealing with the money accounts to be kept by solicitors. By these rules, which apply to all solicitors and not only to members of The Law Society, it is laid down that all clients' monies or monies of a trust where the solicitor is a sole trustee, which are held or received by a solicitor, must be kept in a bank entirely apart from the solicitor's own monies and the solicitor must keep adequate books of account to enable clients' monies at all times to be distinguished from the solicitor's own money. One client's money must not be used, save with his consent, to finance another client. To insure that these rules are observed each practising solicitor is required to submit annually to The Law Society a certificate signed by a member of one of the recognized ac-

countancy bodies to the effect that the rules have been complied with in the solicitor's practice. Moreover, the Council of The Law Society may at any time, whether upon complaint or otherwise, inspect a solicitor's books of account and bank accounts to ascertain whether he has complied with the rules.

Parliament has also authorized The Law Society to make the present rules governing the professional conduct and discipline of solicitors and rules are aimed at preventing advertising, touting, undercutting, profit sharing with unqualified persons and "ambulance chasing." These rules, the Solicitors' Practice Rules, 1936, also apply to all solicitors.

DISCIPLINARY PROCEDURES

A breach of any of these rules renders the offender liable to various penalties at the hands of the disciplinary committee. This is a permanent committee set up by statute, consisting of nine either past or present members of the Council of The Law Society appointed by the Master of the Rolls. It hears complaints of any sort of unprofessional conduct against solicitors and has power to strike a solicitor's name off the Roll, to suspend him from practice, to fine him up to £500 (the amount of the fine being paid to the Government) and to order the payment of costs. Although the members of this committee are past or present members of the Council of The Law Society the Committee is independent of The Law Society and while it is open to any person to prefer a complaint before the Committee "prosecutions" are almost without exception conducted by The Law Society. The disciplinary committee also has power to make an order in respect of a legally unqualified clerk who has been convicted of dishonesty or found party to the misconduct of a solicitor, to the effect that he shall not henceforward be employed as a solicitor's clerk without the permission of the Society. There is a right of appeal to the High Court against any order of the committee. The Master of the Rolls may on application order that the name of a solicitor struck off the Roll be restored but this power of reinstatement is rarely exercised and is not in the nature of an appeal against the decision of the disciplinary committee.

Apart from the general measure of control which The Law Society has over the conduct of solicitors, the Society has also been charged by Parliament with various other powers and duties; for example, it is the registrar of solicitors maintaining the Roll which contains the names of all those who have qualified as solicitors and, as registrar, the Society issues and keeps records of annual practising certificates. The Society has certain powers in connection with service under articles, e.g., to authorize an articled clerk to take other employment during his service under articles; it may, in its discretion, grant exemption from the preliminary examination—but not from either the intermediate or the final examination.

The Law Society also maintains and administers a fund, the "Compensation Fund," from which, at the discretion of the Council, grants are made for the purpose of relieving or mitigating losses sustained by any person in consequence of dishonesty on the part of any solicitor or solicitor's clerk in connection with the solicitor's practice. Every solicitor is required by statute to contribute to this Fund when taking out his annual practising certificate save that in respect of the first three practising certificates taken out by a solicitor no contribution is payable while in respect of the next three certificates only half the present normal annual contribution of £5 is payable.

LEGAL AID AND ADVICE

Perhaps, however, the most important of the duties entrusted by Parliament to the Law Society is the administration of the Legal Aid and Advice Act, 1949: at present, for financial reasons, only part of the scheme relating to legal aid—that is to say, assistance in litigation starting in the High Court—has been introduced. This is a scheme whereby those of moderate means can, on payment of a proportion of the costs calculated on their capital and income, receive legal aid and assistance in litigation, the balance, up to 85%, of the lawyer's normal fee payable in each case being met by the state. The administrative details of the service are embodied in a scheme drawn up on the authority of Parliament by The Law Society. The position, therefore, is of a largely state-financed scheme drawn up and operated, subject only to ultimate government consent, by a voluntary organization representative of the profession itself—which is a far cry from nationalization of the legal profession.

The scheme follows the establishment by The

Law Society during the recent war of its Services Divorce Department. War-time conditions produced a great increase, particularly among the fighting services, of persons seeking divorce; at the same time the absence of about one-half of the members of the solicitors' profession and their staffs in the services led to increased delay in bringing these cases before the courts: this delay tended to produce a deterioration of morale among the armed forces and the population as a whole, which was causing the government anxiety. At the request of the government The Law Society set up a department administered and controlled by the Society but financed by the state to handle all services divorce cases involving, generally speaking, service men and women not of commissioned rank. The solicitors in this department were all employees of The Law Society and were paid fixed salaries—their clients paid only nominal out-of-pocket expenses. This department continues to exist under the new legal aid scheme and conducts the causes of persons of very limited means who are granted assistance in matrimonial causes.

Apart from these powers and duties conferred and imposed upon The Law Society by Parliament, the Society exists also as a social club for its members and carries out many of the functions of a trade union. It has an employment and partnership registry, so that solicitors requiring partners or qualified or unqualified staff may be put in touch with others seeking partnerships or posts in solicitors' offices. Its premises in London (adjoining the Law Courts) have a law library of nearly 75,000 volumes, reading rooms, and restaurants; the same building houses the administrative staff of the Society. Bedroom accommodation for members is available in the premises of the Society's School of Law in Lancaster Gate, near Hyde Park in London. The Society answers members' inquiries on all professional matters and investigates complaints against solicitors whether made by other members of the profession or by the general public, if necessary "prosecuting" a case before the disciplinary committee; it also institutes prosecutions against laymen who may pretend to be solicitors or act as such; it reviews all impending legislation from the point of view of the profession in its contacts with the general public and, where thought fit, makes representations to the Minister of the Crown concerned with constructive proposals for amendments of the law—the Society is wholly non-political; it is generally consulted by government departments on matters touching solicitors and gives evidence before Royal commissions and departmental committees on nearly all matters of law reform; in fact it represents the solicitors' branch of the profession in all matters. It is also responsible for the promotion of good relations between the profession and the public, the press and other professional bodies and it is in close contact with the Law Societies of the Commonwealth and the Colonies.

GOVERNMENT OF THE LAW SOCIETY

The governing body of The Law Society is the Council consisting of 50 solicitors all in active practice in England or Wales. The nomination of candidates for the Council may be made by any two members of The Law Society. In practice, however, those who are usually elected are the candidates nominated, as regards the provinces, by the committees of the grouped Law Societies in the different areas. There may be as many as one to thirty Law Societies, large or small, who, under a scheme which was approved in 1906 to preserve the proportions of provincial and London seats on the Council, arrange to nominate the best available candidate to represent their own area. The fact that such a candidate is the one nominated by the grouped Societies is signified on the voting paper by the fact that he is normally proposed by the President of The Law Society and backed by the Secretary of the Associated Provincial Law Societies. This indicates to all the members when the voting takes place, which are the candidates, whom the local lawyers themselves wish to have elected. In London there is a special committee of London Council members who interview possible candidates and decide, having regard to the need on the Council of someone with some special experience in a particular branch of the law, who is to be nominated.

We have nothing in the nature of an "inner cabinet" and there has never been any question of a small clique controlling the Council. London and provincial members are put indiscriminately on the various Committees and the Council has individually and collectively a clear voice in every decision which is taken. The president and vice-president are normally appointed from among those next in seniority, unless by reason of advancing years or failure

to attend sufficient meetings the members of the Council by secret ballot decide to pass over one.

Each member of the Council is elected (by the whole body of members of the Society) for a term of about four years; they do not serve as representatives of any territorial division of the country or of any particular branch of practice, e.g., local government service, but in fact of the 50 members of the Council there have long been 29 members practising in London and 21 practising in the provinces. (It is likely that in the near future the size of the Council will be increased to 65 by the addition of about 15 provincial members.) Among the 29 members of the Council practising in London are to be found many with specialized experience so that in fact the Council have always available to them a fund of specialist legal knowledge, for example, in such matters as banking, insurance, parliamentary and patent law. At the head of the Council there are a president and vice-president each elected annually for a term of one year, no person serving more than one term in either office. The Council meets every fortnight (except during August and September) but much of its work is delegated to committees, there being in 1950 20 standing committees and about twelve special or *ad hoc* committees. On some of these committees non-members of the Council also serve.

During the course of the year there are about 400 committee meetings; on an average each London member of the Council attends about 75 Council and committee meetings dura year and each provincial member attends about 40. The travelling and maintenance expenses of Council members on Council business are paid by the Society. Membership of the Council necessarily makes very considerable inroads into the councillor's time. The Society has a permanent secretariat totalling over 100 including 12 solicitors, with offices in The Law Society's Hall in London. The Society's total whole-time staff is over 1,000 (of whom 100 are Solicitors) in London and throughout the country engaged in their law school, the Divorce Department and on the administrative work of the Legal Aid and Advice Scheme (including catering staff, porters and technicians). The whole staff are employees of The Law Society although many are paid out of the Society's Funds financed from a Government grant. The membership subscription of the Law Society is £5 5. 0. for London members and £3. 13. 6. for members practising in the provinces; a reduction is made in each category for members only recently qualified. The higher subscription for London members takes into account the club facilities available at the Law Society's Hall in London.

The Law Society, although it is a national organization for the solicitors' profession in England and Wales, is centralized in London and has no branch offices (except for the purposes of the Legal Aid and Advice Scheme) in the provinces. There are, however, 108 provincial law societies in the country. These societies vary greatly in size from about 300 members in the larger provincial cities to 20 members or even less in the remoter rural districts. They are autonomous and entirely independent of The Law Society itself; they have no statutory powers and exist principally for social purposes and to enable solicitors in a particular locality to get to know each other and formulate their views. It is the practice for The Law Society to consult the provincial law societies on all matters touching the profession as a whole and there is at present close collaboration between them. Each year The Law Society holds an annual conference in the provinces and the president and the secretary of The Law Society each holds an annual conference with the presidents and secretaries, respectively, of the provincial law societies.

COMPENSATION OF SOLICITORS

There is one most important matter where control of the solicitors' profession is not vested in The Law Society. The remuneration of a solicitor in non-contentious business (which comprises by far the greater part of his work) is governed by certain scales laid down by a committee consisting of the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice, the president of The Law Society and one provincial solicitor; where the scale of remuneration in respect of dealings in registered land is concerned the Chief Land Registrar is added to the committee. The approval of the Lord Chancellor and of at least two other members of the committee is required for any order of the committee prescribing or regulating solicitors' remuneration; this in fact means that any change in the rate of solicitors' remuneration in non-contentious business must be ap-

proved by the government of the day. In fact, scales of charges were laid down in 1882 which still prevail today subject to a permitted 50% increase.

There are two systems of charging, one based on each item of work performed by the solicitor, the other, applicable to most transactions in real property, based on the amount of the consideration involved; rules prescribe which system is to be used in each particular case; neither system takes into account the skill, ability and knowledge of the individual solicitor. A solicitor may make an agreement with his client to charge more than the prescribed fee but the solicitor's bill is always open, at the instance of the client, to taxation, that is to say, to review by an official of the court who may disallow or reduce certain items. Solicitors' costs in litigation are also laid down by rules of court and are also subject to taxation. A solicitor holding himself out or allowing himself to be held out as ready to charge less than a prescribed fee is committing an offence under the Solicitors' Practice Rules. The Law Society is striving to obtain a further increase in the scale of charges and also to place the remuneration of solicitors on a more realistic basis.

It will be realized that an intending solicitor has a long and expensive training. He must spend five years under articles, or, if he takes a degree, three years at the university and three years under articles and during this time he will have to support himself—although in some cases principals are prepared to pay a salary to articled clerks. A premium of £200 or £300 or even more will normally be payable by the clerk to the principal in respect of the articles. Some members use this premium for insuring against negligence, a claim for damages for which might well arise if after some years the articled clerk is given a chance of working on his own when, through ignorance, he might easily slip up and make a major mistake. In addition the clerk will have to pay tuition and examination fees which may well amount to £100 or more. In a certain number of cases, while an intending solicitor is serving under articles of clerkship, his principal—the practising solicitor—pays him an annual salary. This, however, is the exception rather than the rule and most articled clerks have to support themselves while serving under articles as they do while they are up at the University.

It is easier and less expensive to qualify as a barrister; the examinations are much less difficult and there is no requirement of articled service. (This explains the number of barristers who do not practise at the bar but use their legal qualifications elsewhere—and also, in part, the fact that the great majority of solicitors continue to work in the law.) Once qualified, however, the solicitor is somewhat better placed than the barrister. It has been said that a solicitor need never starve; a barrister, however, who must rely on work from solicitors and must accordingly establish a reputation for himself, may well have to exist for some years without earning. To this fact may to some extent be attributed the higher prestige which was formerly enjoyed by the Bar compared with solicitors: the Bar attracted the gentlemen of means, as a pursuit, whereas the profession of solicitor attracted those who could not rely on private means for their maintenance—as a career. This distinction, however, is not so noticeable today. The rewards of a few—a very few—men at the Bar are greater than the earnings of any solicitor but the average earnings from their profession of solicitors as a whole probably exceed those of barristers. On the other hand, the solicitor who is most successful financially has probably made his money not from the practice of the law as such but from the opportunities this practice has afforded him in the way of Directorships of Limited Liability Companies, and wise investments in real estate.

The newly qualified solicitor can hope to earn £450 to £550 per annum immediately but after two or three years' experience he should be able to command a salary of £700. The newly qualified solicitor will be faced with the problem whether to seek a career in private practice or in a salaried post. In private practice he will either set up on his own or enter into a partnership, probably in either case after an initial period as an assistant solicitor. Apart from London and the larger provincial cities where there are a few firms with up to about ten partners each, it is unusual to find a firm with more than two or three partners and there are, even in London, many solicitors practicing alone. It is, however, probably true that the number of solicitors practicing alone is decreasing and that the growing complexity of the law is tending to result in more specialization so that the size of firms—and the number of partners—is increasing. Most firms will under-

take all types of work although it is not uncommon for a firm not to handle certain types of litigation, e.g. divorce. In London, particularly, certain firms will specialize in certain types of work, e.g. admiralty actions and patents.

Present trends of taxation are tending to drive solicitors away from private practice in which capital is essential and where, under present conditions, it is almost impossible to make provision for retirement in old age. Solicitors are increasingly attracted by salaried posts (in Government, or local government service, or in commerce) which provides a measure of security as well as pension rights. The number of solicitors engaged in salaried positions is not known but there can be no doubt that it is growing. A solicitor in a salaried post is unlikely to earn more than £3,000 per annum (although there are appointments, especially in commerce, which command substantially higher salaries), whereas private practice provides opportunities for considerably higher annual incomes. The effect of income tax and sur-tax, however, is to level incomes in the higher brackets and an assured pension materially adds to the real value of a salary in times when any considerable saving is well-nigh impossible.

INTRA-PROFESSIONAL COOPERATION

No account of the organization of the legal profession in England and Wales would be complete without a reference to the recent tendency for the two branches of the profession, solicitors and barristers, to work much more closely in co-operation. Not only are many members of the Bar serving on committees of The Law Society set up to administer the Legal Aid and Advice Act, but since the conclusion of the 1939-45 war, on the invitation of the General Council of the Bar, The Law Society has agreed to a Standing Joint Committee of representatives of the two Councils. This Joint Committee of the Council of The Law Society and the Bar Council consists of the president, vice-president, secretary, and five other members of the Council of The Law Society and the chairman, vice-chairman, secretary and five other members of the Bar Council.

The Committee, the secretary of which is one of the under-secretaries of The Law Society, meets once a month during term time and considers matters of common interest to both branches of the profession.

This article is a report prepared for the Survey of the Legal Profession. The Survey is securing much of its material by asking competent persons to write reports in connection with various parts and aspects of the whole study. Reports are released for publication in legal periodicals, law reviews, magazines and other media as soon as they have been approved by the Survey Council's Committee on Publications. Thus the information contained in Survey reports is given promptly to the bar and to the public. Such publication also affords opportunities for criticisms, corrections and suggestions. When the Survey has been completed, the Council plans to issue a final comprehensive report containing its findings, conclusions and recommendations.

Power and Duty of Trial Court to Supervise Conduct of Trial

IN A criminal case tried recently in a Michigan circuit court, defense counsel moved for a new trial on assignments of error involving, among other things, the actions of the court in supervising the progress and conduct of the trial. The court's opinion denying the motion, from which the supreme court declined to grant leave to appeal, has come to the JOURNAL, and we are pleased to present to our readers, as a useful contribution to the literature on the judicial office, a portion of it containing observations and authorities on the important subject of the power and duty of a trial judge to supervise the conduct of a trial. The author of the opinion feels it desirable that he and the case remain anonymous.

Not in a spirit of controversy, but because this appears to be an opportune occasion for an expression on the subject, I include in this portion of the opinion a discussion of my understanding of the proper functions, responsibilities and obligations of trial judges. The motions and briefs filed on behalf of defendant

in this case clearly indicate a fundamental cleavage of ideas on the subject, and adherence by him to what is commonly called the "sporting theory of justice", according to which the trial judge is more or less of a figurehead, with no affirmative responsibility for results and serving at best as a moderator or umpire, with the "players" left free to "play the game" in their own way, the victory going to the most artful or aggressive participant. The burden of the complaint is that opposing counsel, or the court, or both, have by their actions interfered with the clients's "right" to have his counsel try the case according to his own plans and notions of trial tactics, and have thereby deprived the client of a fair trial.

With this thought in view, I feel justified in setting forth my understanding of the subject as summarized in the following expressions of legislature, courts and commentators (emphasis supplied):

"It shall be the duty of the judge to control all proceedings during the trial, and to limit the introduction of evidence and the argument of counsel to relevant and material matters, with a view to the *effective and expeditious ascertainment of the truth* regarding the matters involved. The court shall instruct the jury as to the law applicable to the case, and in his charge make such comment on the evidence, the testimony and character of any witnesses as in his opinion the interests of justice may require." *Michigan Statutes Annotated, ¶28. 1052.*

"The purpose of a criminal trial is to *ascertain the truth* about the matters charged in the indictment or information, and it is part of the *business of the judge to see that this end is obtained.* He is not a dumb and mask-faced moderator over a contest between *sensitive and apprehesive,* or perhaps *wily and ingenious* counsel. He is a vital and integral factor in the discovery and elucidation of the facts. He must have a full and accurate comprehension of each and all of the facts in order to instruct the jury, to present the facts to the jury if he should choose to do so, and to determine, finally, upon a motion for a new trial, whether justice has been done. Therefore on his own account he is not obliged to rest content with the modicum of evidence which counsel may dole out, or to accept as final their showing of knowledge, means or credibility on the part of witnesses. But beyond this, it is the function of the judge to aid the jury in obtaining a comprehension of the facts equal to his own, *in order that a just verdict may be reached.* Therefore, whenever in his judgment the proceeding is not being conducted in a way to accomplish the purpose for which alone it is instituted, the full development of the truth, or whenever he can effect a better accomplishment of that purpose, he not only has the right but it is his duty, to take part. Limitations upon this power appear from the statement of the purpose to be subserved, and are merely those which good sense and propriety suggest. The judge should not place himself in the attitude of helping or hurting either side, but whenever it appears to him proper he should fearlessly endeavor to develop the truth with all possible clearness and certainty, *whichever side the truth may help or hurt.* The judge will always have a personality of his own which he cannot disguise or conceal, but the only tact he need display is sincerity, and so long as he is sincere, he need feel no timidity in the discharge of his public duty because of the possible tone or inflection of his voice or the play of his features." *State v. Keehan (Kansas) 118 Pac. 851.*

"A judge must never become or appear to be a partisan, but *a judge need take no vow of silence.* He is there to see that justice is done, or at least to see that the jury has a fair chance to do justice. If by reason of the incompetence or inexperience of counsel on one side, or on both sides, the case is not being presented intelligibly to the jury, he may bring out the important facts by questions to the witnesses. If a cross-examiner has obtained *a delusive verbal victory over a witness,* and the jury may be misled, a question by the judge will often set the matter right at once. The objection attributed to a number of famous advocates, 'If Your Honor is asking that question for us, we don't want it, and if against us, we object to it,' may find a sympathetic response in a part of the bar, but it shows a low conception of the bench. On a number of occasions I have found it useful to explain to the jury some principle of law while evidence was being taken, in order that they might understand its bearing. The judge ought not to let the jury be diverted from the real issues. The skill of counsel must not be allowed to mislead the jury by raising false issues or by appeals to emotion and prejudice. It is not always safe to delay until the charge. . . . It is not always easy for a judge to see his duty clearly, but a first rate trial judge will find and tread the narrow path that lies between meddlesomeness on the one hand and ineffectiveness and impotence on the other." *Mr. Justice Lummus, The Trial Judge, p. 20.*

"The court did examine some witnesses at considerable length, but we are convinced that he was entirely justified in conducting such examination in an effort to bring out the true facts for consideration by the jury. In *People v. Salem,* 224 Mich. 114, we said: 'It is quite true that the trial court should not permit his personal convictions to become apparent to

the jury. But while this is true, it is the right of the court by interrogatories to clarify and clear up any matters which appear to be left in doubt.' "It is within the authority of the trial judge to examine witnesses for the purpose of eliciting facts material to the case. Indeed, circumstances may arise upon the trial which will render such action on the part of the court necessary." 38 Cyc. 1316.'" *People v. Moore, 306 Mich. 29.*

"Manifestly, every judge should be *deeply solicitous* not only to hold himself wholly impartial between contending litigants, but he should likewise be ever alert and careful to avoid every appearance, by word or deed, reasonably susceptible of being construed by those in the heat of partisanship as expressions of bias or prejudgment. On the other hand, under our system, 'the judge who discharges the functions of his office is . . . the directing and controlling mind at the trial, and not a mere functionary to preserve order and lend ceremonial dignity to the proceedings.' His demeanor should not be 'hesitatingly barren or ineffective.' (Citing cases.) He ought to know human nature and be familiar with practical affairs. His insight into the merits of the controversies pending before him needs to be clear, sympathetic, accurate. He should be strong, patient, learned, and above all, unflinchingly courageous. It is the prevalent impression that it adds to the efficiency of a judge if, at the same time, his manner is dignified, his conduct tactful, and his speech courteous. But however that may be, bluntness is not error of law. The essentials of sound judicial character lie far deeper than that." *Harrington v. Boston R. Co. (Mass.) 118 N. E. 880.*

"The purpose of the trial is to get at the facts, and certainly a trial judge should not only permit a jury to have all of the evidence which can be admitted under the rules of evidence, but should endeavor himself to elicit evidence not elicited by counsel *which he would want to have possession of himself* if he were acting as trier of the facts. It frequently occurs that in dealing with certain classes of witnesses, counsel on both sides are hesitant in asking questions for fear that the answer will not be favorable. A judge can frequently be of assistance—to a jury at any rate—by supplementing the examination of counsel. While a judge should always be careful to maintain an absolutely impartial attitude in asking questions of witnesses, as well as in every other respect, there is every reason why *he should endeavor to see to it that the jury has before it all available evidence essential to a determination of the questions of fact* which are submitted to it." From an article by Hon. John D. Sanborn, U. S. Circuit Judge, in Univ. of Minn. *Bulletin*, Vol. 34, No. 17.

"The trial judge possesses wide discretionary powers relative to the reopening of a criminal case for the introduction of further evidence after the parties have rested. In his discretion, a criminal case may be reopened for the reception of additional evidence after the case has been submitted to the jury and before their retirement to deliberate on their verdict, and according to the weight of authority, it lies within the sound discretion of the trial judge to reopen a criminal case for the reception of additional evidence even after the jury have retired to deliberate on their verdict." 53 *Am. Jur.* 113.

All authorities are in accord to the effect that the court may receive further evidence after the parties have rested, during or after argument, etc., within its discretion, and that the discretion "is to be liberally exercised in behalf of allowing the whole case to be presented, for the best advancement of the ends of justice." 64 C.J. pp. 159-163; Bowers, *Judicial Discretion of Trial Courts*, ¶498-503; 23 C.J.S. p. 464-469. This principle has been applied under a variety of circumstances in the following Michigan cases, all but the last decided even before the enactment of Section 28.1052 quoted above: *Thompson v. Ellsworth*, 39 Mich. 719; *People v. Kindra*, 102 Mich. 147; *People v. Blake*, 157 Mich. 533; *People v. Bauer*, 216 Mich. 659; *People v. Stanard*, 224 Mich. 166; *People v. Chimovitz*, 237 Mich. 247; *People v. Eger*, 299 Mich. 49. In the Stanard case the trial was reopened during the argument so that evidence relating to venue and value might be introduced. * * * * * *

As every parent and teacher acquires a knowledge of the varying dispositions, traits and responses of children or pupils under his supervision, so a trial judge becomes acquainted with the varying dispositions and trial practices of counsel who regularly try cases before him. In the discharge of his unshrinkable responsibility for the conduct of trials, he cannot avoid having that knowledge in mind and acting accordingly; and the fact that he does so is no indication of a difference in personal feelings toward counsel. If, for example, he knows that an attorney habitually complains of not having been treated properly, there is a natural tendency on the part of the judge to be doubly careful in that regard; but even in this, he must stop short of giving opposing counsel just cause to complain that the court "is leaning over backward" to the prejudice of their clients.

Of course judges should endeavor, to the ut-

most extent possible within human limitations, to exhibit fairness and courtesy, in language and demeanor, in the discharge of their duties; and nothing contained herein is to be construed as supporting a contrary notion. Personally, I am best pleased when the trial proceeds from hour to hour in such a way that it does not become necessary for the court to say anything except possibly "sustained" or "he may answer." But to make possible complete or near-complete attainment of these ideals, the cooperation of counsel is indispensable. If counsel are unacquainted with, or unwilling to conform to, the recognized rules of proper trial procedure and conduct; if they undertake to "run away with the trial" and to take direction and control of the proceedings into their own hands; if they attempt to take unfair advantage of witnesses or opposing counsel; if they lose sight of the fact that the one purpose for which the court exists and the trial is being conducted is "the ascertainment of the truth," and become controlled by the determination to "win the case, regardless"—then, like it or not, the court is confronted with the compulsion of choosing between abdicating one of its gravest responsibilities, on the one hand, or, on the other, of making use of whatever means counsel make necessary to assure that the supreme purpose of the trial is not frustrated.

Judicial Administration Legislative Summary

EVEN-NUMBERED years used to be light years in legislative activity, since most state legislatures meet in the odd-numbered years, but the difference decreases each biennium, and indications are that the grist from the legislative mills will be almost as great in 1952 as in 1951. At least 16 and probably more than 20 legislative sessions will be held this year. Kentucky, Louisiana, Mississippi and Virginia hold their regular biennial sessions in the even-numbered years. Recent constitutional amendments have added Arizona, Colorado and Michigan to the growing list of states having regular annual sessions, which already included California, Maryland, Massachusetts, New Jersey, New York, Rhode Island and South Carolina. 1952 sessions are definitely planned in Georgia and Missouri, and other special sessions undoubtedly will be called. In addition, the United States Congress meets as usual, as well as the legislative bodies of Puerto Rico and the Virgin Islands.

Most of these convened in January, but Puerto Rico opens in February, California in March and Louisiana in May. The California and Maryland sessions are limited to budgetary matters, and the Colorado session has a narrower field than in odd-numbered years. Special sessions are restricted to the subjects enumerated in their call.

In addition to the work of the legislatures themselves, important matters will come before the voters of many states, especially in the November election, while interim legislative committees, administrative agencies and courts will have their part in shaping future legislative trends.

JUDICIAL **salary increases** for all **Pennsylvania** judges went into effect January 7. Judges in certain smaller counties were given increases of $3,000 a year and the rest $2,000. At the same time, Attorney-General Robert E. Woodside ordered a change in the method of payment to correct small inequities resulting from payment on a calendar basis although the official year begins on the first Monday of January rather than the first day of January.

State-wide judicial salary increases also were granted by the **Missouri** legislature in December. Salaries of judges in **St.** Louis and Kansas City went up from $10,000 to $11,000; those in Greene, Buchanan and Jas-

per Counties from $8,000 to $9,000, and the rest from $7,000 to $8,000.

Proposed judicial salary legislation introduced in 1952 sessions would raise **Michigan** supreme court justices from $15,000 to $20,000, and would give all **Massachusetts** judges 12 per cent more. The Judicial Conference of **Kentucky** has asked the legislature to increase the salaries of the judges of the Court of Appeals from $9,000 to the constitutional limit of $12,000 and the four commissioners from $7,500 to $8,500 beginning January 1, 1953, and to $10,800 a year in 1959. The Judicial Conference also proposed that circuit judges be permitted to retire at age 70 with **retirement pensions** of from $1,350 to $5,400 a year depending on age and length of service.

A bill introduced in **Georgia** would give superior court judges emeritus two-thirds of their salary on retirement and also allow the governor to ask them to substitute on the bench when needed without extra pay. Governor Thornton of **Colorado** has broadened the agenda of the 1952 session in that state to include consideration of legislation to extend retirement benefits of district judges when they are promoted to the supreme court.

Judicial salary increases have been urged by Governors Thomas E. Dewey of **New York** and Frank Barrett of **Wyoming.** Governor Dewey declared it was unfair for certain Appellate Division justices to be paid more than the judges of the Court of Appeals which reviews their decisions. The former now receive $30,000 a year, and their presiding justices $31,500, while the Court of Appeals judges get only $28,000. The governor recommended that they be raised to $32,500 and the chief judge to $35,000. Governor Barrett indicated his intention to include judicial salary legislation on the program of a special session of the Wyoming legislature if one is called. Wyoming supreme court justices are now paid $8,000 a year and district court judges $7,100.

Salary increases from $7,500 to $9,000 a year for **Virginia** circuit judges and from $10,000 to $13,000 for members of the Supreme Court of Appeals will be sought in 1952 by the Virginia State Bar Association and the Association of Commonwealth's Attorneys.

The attorney-general of **Kansas** has ruled that the 10 per cent salary increase granted by the 1951 legislature to county elective or appointive officials whose compensation is fixed by law applies only to the basic salary of probate judges and not to the 50 per cent additional compensation which many of them receive for their services as county judge.

A BILL to confirm the **judicial rule-making power** of the Court of Appeals of **Kentucky** was introduced in that state on January 21. The court would be authorized to promulgate rules of pleading, practice and procedure for all courts of the state, and would be assisted in keeping the judicial machinery up to date by the state judicial council and a special advisory committee. A complete set of proposed rules has been drafted by the Civil Code Committee, created by the 1950 legislature, which also recommended the grant of rule-making power to the high court. The bill specifies that before any rule takes effect it must be submitted to the bench and bar of the state and there must be an open hearing on it.

An **administrative officer for the courts** is proposed in a bill introduced in **Virginia** January 14. To be known as executive secretary of the supreme court, the new official also would serve as secretary of the judicial council and of the judicial conference. His salary would be the same as that fixed by law for judges of courts of record.

A proposal to give the Supreme Court of **New Jersey** power of **removal of lower court judges** for inefficiency, incompetence, neglect of duty, or conduct unbecoming a judge, was defeated in a special session late in 1951 after the state bar association advocated postponement of action to allow more time for study of the proposal. A bill introduced in the 1952 legislature would transfer from the governor to the supreme court the power of **appointment of jury commissioners.** Recommended by the governor, the proposal has been rejected by the legislature in several previous sessions.

The **Mississippi** legislature passed and sent to the governor an act **enlarging the supreme court** from six to nine judges.

A bill introduced in **Virginia** would permit the use of **women on grand juries.** Similar legislation with respect to trial juries was passed at the last session.

The **Virginia** Advisory Legislative Council

has recommended enactment of legislation establishing **higher standards for admission to the bar.** Persons who do not hold law degrees from accredited schools would be required to have three years of academic training and four years of study in law school or in the office of an attorney approved by the State Board of Law Examiners, or both. Persons under the age of 21 would not be eligible to take bar examinations.

Establishment of a Division of **Youth Administration** in the **Kentucky** State Department of Welfare was recommended to the Kentucky State Legislative Research Commission by the Advisory Committee on Child Welfare, and was proposed by Governor Wetherby in his message to the legislature. Following the American Law Institute pattern, the proposed plan would commit juvenile offenders to the Division instead of to penal institutions. A reception center would be established where juveniles would be observed, screened, and given mental and physical tests, on the basis of which the most beneficial kind of confinement or treatment would be ordered.

Colorado Governor Thornton's crime commission has recommended establishment of a permanent **crime commission** by law, and Governor Driscoll of **New Jersey** recommended a state crime council comparable to the judicial council in the field of judicial administration.

From Here and There

Detroit Circuit Court Attacks Delay in Negligence Trials

The judges of the Circuit Court of Wayne County (Detroit), Michigan, have inaugurated a new practice to improve court administration, according to an announcement by Presiding Judge Ira W. Jayne.

The Court's most serious problem, the announcement points out, has been to eliminate the delay in the disposition of cases on the law tort calendar. This delay is caused by reason of cases resulting from traffic accidents, inevitable in an automobile age. It is a problem common to the courts of all metropolitan districts.

Various theories of developing a bureau patterned after the Workmen's Compensation practice to dispose automatically of the compensatory side of traffic accidents have been advanced. However, Judge Jayne suggests, it should be possible to work out a solution within the framework of the court system, preserving the right of due process and the jury system as the foundation and safeguard of our constitutional rights.

Certain cases should be tried by jury. But if the issue of the tort liability of all traffic cases were to be passed on by court and jury, any system which would include enough judges and jurors to dispose of them would develop such a cumbersome machine as to jeopardize the whole system.

There are but two ways of disposing of these cases once they are brought to court: 1. By settlement. 2. By trial.

Experience with the pre-trial docket shows that opportunity for understanding the facts of a case by both parties before an impartial tribunal results in a large number of settlements, though that is not the prime purpose of the pre-trial docket.

Last year there were 4,327 cases disposed of on the law side of the Court. But 683 went so far as trial by either judge or jury. 3,644 cases were disposed of some time between the time they were started and trial.

With the cooperation of the bar, by developing pre-trial, waiver of jury for advancement and other devices, the court has managed to shorten the delay from approximately four years to a period of 14 months. But that wait is still too long. The plaintiff, if he is entitled to damages, should have them when he most needs them. The defendants, a great propor-

tion of whom are insurance companies, as the real parties in interest, gain by a diminution of the necessity for large reserves, and by having available perhaps disinterested witnesses.

The pre-trial hearing, heretofore from a month to six weeks before trial, furnishes the first opportunity for each party to learn the weaknesses of his own case and the strength of that of his opponent. The plan is to afford opposing counsel this opportunity shortly after the case comes to issue. A new docket has been established, tentatively entitled Pre-Trial Admission and Discovery Conference, upon which docket, after the usual notice, these law cases will be called. This will give each counsel early benefit of Supreme Court Rule 42 (admissions from adverse party), Local Rule 13 (taking of deposition) and Local Rule 14c (agreeing on facts capable of exact ascertainment).

There is much discussion now among members of the bench and bar as to the advisability of extending to this court the broad rules of discovery found in the rules of the federal courts. A majority of the judges of this court feel that there should be some supervision over discovery in advance. This docket will furnish such supervision to protect the rights of each.

The court has therefore instituted such a call, beginning on February 11. Initially it is being presided over by Judge Jayne. Counsel for both litigants are notified in accordance with previous practice as to the pre-trial docket, and are expected to appear and furnish the court and opposing counsel the information heretofore called for on the pre-trial docket. An outline questionnaire is mailed to each, to be answered and brought to court on the day set.

Women Jurors Begin Service in Oklahoma Courts

It is now settled that the word "men" in the Oklahoma constitution relating to grand and petit juries also means women, and last month the first Oklahoma juries with women members went into action.

Last May 16 the governor signed a statute which had been lobbied through the legislature by a group of women lawyers, redrafting old legislation which defined jurors as "male citizens" and adding women with minor children to the exemption list. Then, to make sure the new statutes did not conflict with the constitution, the same group carried a test case to the supreme court, which ruled unanimously in favor of their constitutionality.

On January 8, a 23- "man" grand jury containing nine women convened before Federal Judge Royce H. Savage of the United States District Court for the Northern District of Oklahoma. Fifty women out of a total of 200 jurors were summoned to serve in the first jury docket in the state courts, beginning January 21. Meanwhile, Tulsa newspapers had fun commenting on the new era, pointing out, for example, the need for powder rooms in the crowded jury quarters of the court houses.

Married by J. P. "During Good Behavior"

From the musty archives of Mecosta County, Michigan, via Milton E. Bachmann's column "From the Editor's Desk" in the *Michigan State Bar Journal*, comes this little nugget as proof, says Mr. Bachmann, "that at the J.P. level the administration of justice has made less than turtle progress, and as a suggestion that the unauthorized practice of the law is no worse today than it was years ago."

"The story," says Probate Judge Benjamin W. Franklin, "was culled by one of my daughters from research material on county history."

Here is the tale:

In the early history of Mecosta County, a new justice of the peace developed quite a law practice, drafting deeds, wills, mortgages and other papers. Then came the day that he was called upon to perform his first marriage. As the young couple approached, the justice arose, took off his hat and announced:

"Hats off in the presence of the Court."

This being done, he had the couple stand before him.

"Now raise your right hands," he ordered.

"You, John, do you solemnly swear, to the best of your knowledge and belief, that you take this woman to have and to hold for yourself, your executors, administrators and assigns for your and their use and behoof forever?"

"I do," answered the groom.

"You, Alice, do you take this man for your husband, to have and to hold forever, and do you further swear that you are lawfully seized in fee simple, are free from all encumbrances,

and have good right to sell, bargain and convey to said grantee yourself, your heirs and assigns forever?"

"I do," said the bride, somewhat doubtfully.

"The consideration will be $1.50, John," said the Court.

"Are we married?" asked the bride.

"Not until the consideration is paid," the justice replied.

After some digging, the $1.50 was produced and duly deposited with the Court. When the money had been carefully tucked in the judicial pockets, the judge announced:

"Know all men by these presents, that I, being in good health and of sound and disposing mind, in consideration of the sum of $1.50 to me paid, do by these presents declare you man and wife, during good behavior and until otherwise ordered by the Court, so help you God."

Kentucky Meets A.B.A. Bar Admission Standards

Adherence to the new American Bar Association standard of three years of pre-legal education and three years in law school or two years of pre-legal and four in law school was announced last month by the Kentucky State Board of Bar Examiners, applicable to potential applicants starting school next fall. The new rules, which have been approved by the Court of Appeals, also provide that only graduates of law schools approved by the American Bar Association will be allowed to take the state bar examination, and limit applicants to three tries.

Philadelphia Bar Association Sesquicentennial Next Month

The Philadelphia Bar Association, oldest in the nation, will celebrate the one hundred and fiftieth anniversary of its organization during the week of March 10 to 14, it was announced last month by Bernard G. Segal, chancellor.

The bar association was first known as the Law Library Company of the City of Philadelphia. Its charter was signed by the incorporators on March 13, 1802, which will be observed as the anniversary date. In 1821 a separate organization of lawyers came into existence under the name of "The Associated Members of the Bar of Philadelphia Practising Before the Supreme Court." In 1827 the two organizations merged under the charter of 1802 and became The Law Association of Philadelphia, which was changed to the Philadelphia Bar Association in 1930.

A committee numbering 138, including judges of county, state and federal courts, other public officials, and prominent attorneys, headed by William Clarke Mason, will be in charge of the various events that will mark the anniversary. The committee includes descendants of the 72 attorneys who formed the initial organization in 1802, and members and descendants of members who participated in the one hundredth anniversary celebration in 1902.

Theme of the celebration will be "The Legal Profession."

"We will strive to make this sesquicentennial celebration of our organized bar a memorable event in the community life of Philadelphia," Segal said. "We will try to make it an occasion for renewed appreciation of the priceless gift that is ours in the enjoyment of liberty under law."

Michigan Judges Join Retirement Plan

At the deadline for joining the state judicial retirement plan, 78 of Michigan's 92 eligible judges had signed up, including all of those of Wayne Circuit and Detroit Recorder's Courts. The eight justices of the Supreme Court of Michigan did not join, because their contributions would have been from $600 to $750 a year compared with $450 for other judges. All would receive the same benefits at retirement. In order to retire a judge must have paid $2,250 into the fund, which is the equivalent of five years of contributions. According to Judge Joseph A. Moynihan of the Wayne County Circuit Court, chairman of the pension board, no judge has yet signified an intention of doing this.

New Jersey Bar Newsletter Out

The first of what may be a series of periodic informal letters entitled "Chatterbox" issued by the New Jersey State Bar Association came out last month. Written by Dr. Emma E. Dillon, secretary of the organization, the letter was distributed to members in the form of an attractive little folder. It contains reports of committee activities, reminders of meetings, and other association news.

A.B.A. Regional Meeting April 9-12 in Louisville, Ky.

United States Circuit Judge Harold R. Medina will be one of the featured speakers at the Ohio Valley Regional Meeting of the American Bar Association in Louisville, Kentucky, April 9-12. Lawyers from the six states of Michigan, Ohio, Indiana, Illinois, Kentucky and West Virginia will be specially invited.

Registration will begin at 1:00 p.m., Wednesday, April 9, and the opening session will be at 8:00 that evening, with addresses by Burt J. Thompson, chairman of the regional meetings committee, and Howard L. Barkdull, president of the American Bar Association.

Thursday, April 10, there will be workshop sessions on legal draftsmanship and trial tactics, a program on world affairs, and a Junior Bar banquet. Friday morning will be reserved for section meetings. Friday noon will be the luncheon at which Judge Medina will speak. Workshops on pre-trial procedure and law office management will be held that afternoon, and a banquet that evening. Saturday will be a trip to the famed Blue Grass region of Kentucky, to inspect race horse farms and to attend races at Keeneland race track near Lexington.

The Louisville meeting is a continuation of the series of regional meetings begun last year with meetings in Atlanta and Dallas. A Northwest Regional Meeting for lawyers of Montana, Idaho, Colorado, Utah, Wyoming, Washington and Oregon, will be held at Yellowstone National Park, June 17-20. All facilities of the Park, which will not yet be open to the public at that time, will be turned over to those attending the meeting.

Headquarters of the Louisville meeting will be the Brown Hotel, and inquiries should be addressed to Blakey Helm, Marion E. Taylor Building, Louisville, Ky. Correspondence regarding the Yellowstone meeting should be directed to W. J. Jameson, Electric Building, Billings, Montana.

Texas Bar Promotes American Citizenship Month

By proclamation of Governor Allan Shivers, at the request of the American Citizenship Committee of the State Bar of Texas, January was celebrated as American Citizenship Month in the Lone Star State.

The Committee mailed literature to 7,500 civic, fraternal, veterans and labor organizations soliciting their cooperation and offering materials and speakers, and some 300 members of the bar served on the speakers panel.

Objectives of Citizenship Month in Texas:

1. To answer the question: "What can I do for democracy?" rather than "What can democracy do for me?"

2. To awaken Texans to their responsibilities of citizenship—in training the next generation of citizens, making the family influence felt, voting, obeying and supporting laws, morals and ethics; keeping informed in local, state and national and world affairs, and serving where needed.

3. To promote the significance and the dignity of the individual citizen, whose job as a citizen is the foundation and support of any movement which will improve our society.

4. To join with all other like individuals, clubs and associations to make citizenship a way of life—a common bond upon which everybody can meet.

Delaware Court Adopts New Rules and Canons of Ethics

New rules of appellate procedure, for use in the newly-created Supreme Court of Delaware, drafted by the judges of the court with advice and suggestions from members of the bench and bar of the state, have been adopted and went into effect last month. They include the American Bar Association canons of judicial ethics, to the extent that they apply to an appellate court, but with modifications as to canons 13, 26 and 30. The Court also adopted the American Bar Association canons of professional ethics as to members of the Delaware bar, also effective January 1, 1952.

Nebraska to Try for A.B.A. Plan

Nebraska lawyers have endorsed the American Bar Association plan for selection of judges, and have ordered the initiation of a campaign to bring about its adoption and use in that state.

The endorsement was given through a referendum vote ordered by the 1950 convention of the Nebraska State Bar Association and carried out by the Association during the past year. The results, announced at the 1951 convention in Omaha last fall, showed 931 for and 380 against the proposal, 2 more voting for it with qualifications. This was a 71 per cent affirmative vote with 72 per cent of the state's 1,823 lawyers participating—an extra-

ordinarily large response for any referendum.

At the Omaha meeting the Executive Council of the Association was given the responsibility of arranging for the drafting of a suitable amendment to the state constitution and for its submission to the voters at an appropriate time.

1952 Ross Essay Subject Is Dissenting Opinions

"The Function of Concurring and Dissenting Opinions in Courts of Last Resort" is the subject of the 1952 Ross essay contest conducted by the American Bar Association.

The contest is open to all members of the Association in good standing, including new members who join prior to March 1, except previous winners, members of the Board of Governors, officers and employees. Essays must be submitted on or before April 1, and the winner will receive a prize of $2,500.

Inquiries should be addressed to the American Bar Association, 1140 N. Dearborn St., Chicago 10, Illinois.

The causes that may be responsible, in part, for a weakening of faith on the part of our citizens in the value of democratic government are many. But there is one that should concern us particularly as members of the legal profession. Our philosophy of government rests upon the assumption that the law is supreme. Should the law become an object of scorn or cynicism, the people can have but little confidence in the form of our government. A feeling has arisen that it is in the breakdown of legal processes and the administration of justice that democracy exhibits a certain degree of incapacity to deal with the novel conditions and necessities of modern life, and that because of this the democratic idea seems to have lost the virtue and the idealism in which it was originally conceived. To meet this challenge and to make a successful defense is, I believe, the special responsibility of the legal profession as it was originally conceived.—*Jacob Lashly*

PUBLICATIONS FOR DISTRIBUTION

Juror Manuals

The Citizen as a Juror, by John H. Flanigan, and The Juror's Creed, by David A. Simmons. Envelope-size brochure reprinted from J. Am. Jud. Soc., 4 pp. (1945). $1.00 per 100.

A Handbook for Petit Jurors Serving in the District Courts of the United States. Booklet, 33 pp. (1943). Sample copies free.

Handbook of Information for Trial Jurors, sponsored by Section of Judicial Administration, American Bar Association. Booklet, 23 pp. Sample copies free.

Instructions to the Jurors of the Wayne Circuit Court (Detroit, Mich.). Booklet, 25 pp. (1948). Sample copies free.

Instructions to Jurors in the District of Columbia. 7 pp.

Jurors' Manual, New York County, New York. Booklet, 30 pp. (1949). Sample copies free.

Manual for Grand Jurors in the City of New York. Booklet, 99 pp. (1948). Sample copies free.

Twenty Argentine lawyers braved the opposition of the Peron government to attend the Seventh Conference of the Inter-American Bar Association in Montevideo, Uruguay, November 21 to December 2. The government has imprisoned lawyers who have opposed its dictatorial practices, and it has compelled the Argentine Bar Association to move out of its quarters in the Palace of Justice.

The Toledo Bar Association has established a charitable, scientific and educational foundation, funds of which will be used to assist deserving members of the profession who become incapacitated, to aid law students of ability, to promote research projects and maintenance of a library, and also to defray administrative expenses of free legal aid to indigent persons whose needs are beyond the scope of the new Toledo Legal Aid Society.

Long Beach, Calif.—Since August 1, 1950, the Armed Forces Legal Assistance Committee of the Long Beach Bar Association has handled more than 3,000 legal matters for members of the armed forces and their dependents.

Washington—A new six-volume revision of the laws of Washington, completed after eight years of work and at a cost of more than $150,000, is now on the presses. To be known as the Revised Code of Washington, it will be published in loose-leaf form so that it can be kept continuously up to date by insertion of new pages as laws are changed.

University, Ala.—A five-day conference of judges, justices of the peace and prosecutors of the southern states will be held beginning March 17 at the University of Alabama school of law. Emphasis will be on the role of the courts in reducing traffic accidents. Further information may be secured from the American Bar Association, Suite 1848, One N. La Salle St., Chicago.

Madison, Wis.—The Supreme Court of Wisconsin has announced that briefs printed by multilith or offset process are acceptable as long as they conform to other requirements.

New York—Of the 171,110 lawyers in the United States, 2,997 or 1.7 per cent, are women, according to a report for the Survey of the Legal Profession prepared by Barbara Armstrong of the New York bar.

London, England—34,025 applications for legal assistance were received during the first six months of the British Legal Aid and Advice Scheme, the Law Society of England has announced. Of these, 20,397 were granted, but only 6,971 were handled free. The other litigants paid from $28 to $280 toward the cost of their suits. The plan went into effect October 2, 1950, effective initially only with respect to suits in the high court, divorce cases, and appeal proceedings. About 81 per cent of all applications related to matrimonial cases.

Cambridge, Mass.—A program of cooperation between Harvard Law School and the new state of Israel to develop a new legal system to fit the needs of a modern state has been announced by Associate Dean David F. Cavers. Israel has inherited a mixture of Turkish, English, Arabic and Hebrew law, with many gaps in between. The research at Harvard will be carried on by a staff of Israeli graduates, with financial backing from donations by friends of the new nation.

Frankfort, Ky.—Encouragement of oral argument is the object of new rules adopted by the Court of Appeals of Kentucky, providing for additional open sessions and opinion days. New rules require filing of twelve copies of each brief, of uniform legibility, but with either printing, mimeographing or duplicating permissible.

The Reader's Viewpoint

Importance of Opinion Writing in the Judicial Process

In December, 1949, you did me the honor of publishing my article "The Number and Length of Judicial Opinions," in which I gave three reasons why appellate courts should write full, reasoned opinions. The first and most important of these was that "cases are much more likely to be decided correctly on the law if such opinions are written." I said that as an officer in the Judge Advocate General's Department of the Army, it had been my duty to write hundreds of legal opinions, and that in many instances my first impression had been that the case before me should be decided in a certain way, but that to my surprise I had found it impossible to write a logical opinion, convincing to myself, deciding the case that way, and had been compelled to write one holding the opposite. I said:

"Writing an opinion compels research which otherwise might not be done, or so thoroughly done. Research tends to produce conformity with prior decisions, which is usually the equivalent of correctness in law; or, alternatively, it leads to careful consideration before departing from the precedents."

In a footnote at the end of my article I said that my views had support from three judges of appellate courts to whom I had shown it, one of whom, Mr. Justice Frankfurter of the Supreme Court of the United States, had given me permission to quote him.

It is therefore a pleasure to note, in a recent lecture before the State Bar of California by Mr. Justice Jackson of the Supreme Court of the United States, "Advocacy before the Supreme Court" (A.B.A. Journal, November, 1951), the following passage:

It is a common experience that a justice is assigned to write an opinion for the Court in

accordance with a view he expressed in conference, only to find from more intensive study that it was mistaken."

It appears from the foregoing that the experience of the distinguished justices of the Supreme Court is the same as my own in a humbler sphere; and I submit that the same conclusion may be drawn from their experience as from mine, namely that the necessity of writing a reasoned opinion is one of the best guaranties that a case will be decided according to law.

ARCHIBALD KING

Colonel, J.A.G. Corps
U. S. Army
Washington, D. C.

Reform of Military Justice

As one who has continued his World War II service in the Officers' Reserve Corps (Major, J. A. G. C.), the article "Reform of Military Justice Is Not Complete" by William H. McBratney (October, 1951) at once attracted my attention.

It seems certain that the author was unaware of the existence of *Manual for Courts Martial, United States, 1951* (cited as "MCM, 1951"), which became effective May 31, 1951, by virtue of Presidential Executive Order 10214. This resulted from the enactment by Congress of the Uniform Code for Military Justice (64 Stat. 107), being applicable alike to the army, navy, air force and coast guard. It superseded the Army's 1941 Manual.

Mr. McBratney's paper contains several inaccuracies, and there is a great deal that might be offered in answer to some of his criticisms. One or two examples will illustrate. In the second column on page 82 he indicates that court martials function without instructions, and he states:

"If the reader's mind is not already tortured by my previous demands on his imagination, let him imagine a court in which the jury decides cases without instructions and without supervision of any kind! But such is the way in which military courts operate."

To see at once how erroneous this remark is, one has but to glance at Chapter 13, Paragraph 73 of the Manual, entitled "Instructions" which specifically requires the law officer (no longer called the law member) to instruct the court as to the elements of each offense charged, and also to charge the court as to such fundamental points as the presumption of innocence, degree of guilt, burden of proof, etc. Further, he may as an "impartial judge" summarize and comment on the issues, the evidence and the applicable law.

Article 26 of the Uniform Code deals with the law officer. He does not sit or vote with the court, but has been given a status and functions very similar to that of a judge in a civilian court, while the remaining members of the general court martial may be said to correspond to its jury. In addition to determining guilt or innocence, the latter also impose sentence.

The current Manual introduces a number of other significant changes as against previous law and procedure, and no doubt effects some of the reforms advocated by Mr. McBratney. I hope you will not gain the impression that I am an apologist for the present system, however much of an improvement it may constitute. I think that Mr. McBratney is entirely correct in suggesting that the reform of military judicial administration (like our civilian judicial systems and everything else) is not complete or perfect. At this very moment the United States Court of Military Appeals (a court consisting only of civilians, by the way!) and the several Judge Advocates General are engaged in preparing recommendations for further changes and improvements, and I feel certain that they will be doing the same thing as an established practice for the indefinite future.

MEYER WEKER

Chief Attorney's Office
Veterans' Administration
Boston, Mass.

The Literature of Judicial Administration

BOOKS

The fight against unauthorized practice of the law is essential to the success of the entire program of the bar for public service and professional improvement, declares Edwin M. Otterbourg in his book *A Study of Unauthorized Practice of Law* written for the Survey of the Legal Profession.

Mr. Otterbourg lists the major features of the bar program as follows:

"1. The maintenance of high standards of education, training and character for lawyers.

"2. Promulgation and enforcement of canons of ethics and maintenance of discipline committees to compel compliance with high standards of professional practice.

"3. Aid in the selection of the best judges.

"4. Continuous efforts for law reform, for revision, simplification and codification of our laws.

"5. An ever-increasing legal aid program so that no person, however poor, may be without the services of a competent lawyer.

"6. The establishment of legal referral bureaus so that persons in the lower income groups may obtain competent legal service at reasonable cost.

7. The protection of the public from unauthorized practice of law."

"Public protection from unauthorized practice of law is not only a part, but a necessary corollary to much of the entire bar program, "Mr. Otterbourg continues. "Were laymen permitted to practice law under any specious pretense, or even in good faith, this in itself would make futile any program seeking to maintain a high standard of education, training and character for lawyers, holding them strictly accountable for unprofessional acts and subjecting them to discipline therefor.

"Legal aid and lawyer referral bureaus cannot possibly cope with what the public need will be, should it be exposed to the practice of law by those who lack not only adequate training but likewise are held to no ethical conceptions of professional conduct, are accountable to neither court nor client, nor subject to any discipline or control; the bar would be powerless to protect a public which, with unauthorized practice of law running rampant, can be endlessly misled, cheated and badly advised."

Mr. Otterbourg's work is the first book-length treatment of unauthorized practice to appear since publication of George E. Brand's *Unauthorized Practice Decisions* in 1937. It was published in 1951 by the American Bar Association Committee on Unauthorized Practice of the Law, of which Otterbourg is a member and former chairman, as a special 84-page issue of its magazine, *Unauthorized Practice News*.

The book is in four parts, the first of which deals with the nature of unauthorized practice of law and its effects on the public and the bar. The second part describes the measures taken to prevent unauthorized practice, most important of which have been the joint statements of principles drafted by national conferences of lawyers and representatives of trust companies, insurance adjusters, life underwriters, realtors, collection agencies, loose-leaf publishers and accountants. Parts III and IV describe the cooperative program in operation among several hundred state and local bar association committees on unauthorized practice of law, under the leadership of the A.B.A. committee, with general comments and conclusions.

Priced at $2.00, the book may be ordered from the American Bar Association, 1140 N. Dearborn St., Chicago, or from the American Judicature Society, 424 Hutchins Hall, Ann Arbor, Mich.

On June 1, 1949, there were in the world eighty-three political entities recognized by most of the others as sovereign nations for most purposes. Of these, seventy-five, or approximately 90 per cent, have written constitutions in the sense that their basic organic law is expressed in a written document or documents intended as the outline of the form of govern-

ment of the nation and as the supreme definition of the functions and powers of the legislative, executive and judicial organs of government.

Although the United States ranks as a relatively young nation in the family of nations, its constitution, the success of which, as Sir Henry Sumner Maine said, "has blinded men to its novelty," is the oldest of all written constitutions in force. Indeed, fifty-one, or about 70 per cent of them, are less than twenty-five years old, and twenty-nine, or about 40 per cent of all the written national constitutions, were in 1949 less than five years old.

On the date mentioned, there went to press the first compilation of all the national constitutions of the world ever published in English, and the first complete one to appear in any language since *Les Constitutions de Tous les Pays Civilises*, by Princesse de Lesiguano, was published in Brussels in 1880. The new compilation, from which the foregoing facts were quoted, is a three-volume work, *Constitutions of Nations*, written by Amos J. Peaslee, distinguished authority on international and constitutional law, and published in 1950 by the Rumford Press, Concord, New Hampshire.

Mr. Peaslee's book includes for each nation, in addition to the complete text of its constitution, a brief statement as to its international status in 1949, a brief constitutional history, a paragraph description of its form of national government, a statement of its source of sovereign power, a summary of its bill of rights, and a brief description of its legislative, executive and judicial departments, together with data as to area, population and language. These are collated as to the whole in an 18-page introductory summary in the first volume, and are detailed in tabular form in a 50-page appendix in the third volume.

In view of the tremendous constitutional changes that have taken place in the last decade, this set of books constitutes today just about the only reliable source of information in its field. With the consent of the author and publishers, the JOURNAL plans to offer its readers in future issues some interesting and enlightening information regarding the administration of justice in other countries culled from the pages of these useful books.

The set is priced at $22.50, and may be ordered from the Rumford Press, Concord, N. H., or from the American Judicature Society, 424 Hutchins Hall, Ann Arbor, Mich.

Not exactly a book, but a useful and attractive reminder for a law office of the debt of American law to its English antecedents, is the series of hand-colored reproductions of caricatures of Nineteenth Century English judges drawn by Sir Leslie Ward, popularly known as "Spy", for the old Vanity Fair magazine. There are two sets of six prints, 7½ by 12 inches on paper 12 by 16 inches, suitable for framing. Published by Creste-Andover Co., 2 Park Ave., New York 16, N. Y. $12.50 per set.

ARTICLES

"The Administration of Justice and the A-Bomb: What Follows Disaster?" by Homer D. Crotty. ABA Journal, Dec., 1951, pp. 893-896.

"All Business is Lawyers' Business," by Robert Daru. Bar Bulletin (N. Y. County Lawyers Assn.), Jan., 1952, pp. 12-17.

"Answers to Objections to the Lawyer Reference Service," by Charles O. Porter. Oregon Law Review, Dec., 1951, pp. 15-27.

"Back to the Bill of Rights," by Corliss Lamont. Decision Law Journal (Philippine Education Foundation, Inc.), Oct. 31, 1951, pp. 598-605.

"The Bar Must Choose," by Amos H. Eblen. Kentucky State Bar Journal, Dec., 1951, pp. 42-44.

"But Do the Children Get Justice?" by William M. Wherry. Bar Bulletin (N. Y. County Lawyers Assn.), Nov., 1951, pp. 17-21.

"Can a Lawyer Retire?" by Bernard V. Lentz. The Shingle (Philadelphia Bar Assn.), Nov., 1951, pp. 199-204.

"A Challenge to the Profession," by Arch M. Cantrall. West Virginia State Bar News, Nov., 1951, pp. 95-96, 104.

"Compulsory Arbitration of Labor Disputes," by Edgar G. Gordon, Jr., Michigan Bar Journal, Nov., 1951, pp. 9-15.

"Court Room Decorum," by Joseph H. Hinshaw. Illinois Bar Journal, Nov., 1951, pp. 85-87.

"The Federal Right to Counsel in State Courts," by David Fellman. Nebraska Law Review, Nov., 1951, pp. 15-54.

"The History and the Development of Attorneys Fees," by Otto C. Sommerich. The Record (Assn. of the Bar of the City of New York), Nov., 1951, pp. 363-374.

"Inter-American Judicial Cooperation in Practice," by Ernest Schein. The Journal of the Bar Assn. of the District of Columbia, Nov., 1951, pp. 446-456.

"Judges, Politics and the Law," by W. Friedmann. The Canadian Law Review, Oct., 1951, pp. 811-837.

"Justice and TV: Some Thoughts on Congressional Investigations," by William T. Gossett. ABA Journal, Jan., 1952, pp. 15-18, 84.

"The Lawyer and Leadership," by James H. Pipkin. The Journal (Okla. Bar. Assn.), Dec. 29, 1951, pp. 2013-2017.

"The Lawyer and Public Relations," by Virgil L. Rankin. The Bar Bulletin (Boston Bar Assn.), Nov., 1951, pp. 291-295.

"Lawyers Return to School," by John E. Mulder. Commercial Law Journal, Dec., 1951, pp. 363-366.

"The Legal Aid Clinic as a Practical Introduction," by John S. Bradway. Virginia Law Weekly, Nov. 21, 1951, pp. 1, 8.

"The Legal Profession in Ireland," by John J. Hearne. The Cleveland Bar Assn. Journal, Nov., 1951, pp. 19, 31-32.

"New Trials and Appellate Review," by Joseph S. Lord, III. Dickinson Law Review, Oct., 1951, pp. 88-99.

"Now Ready—The New Commercial Code," by Gibson B. Witherspoon. Commercial Law Journal, Nov., 1951, pp. 335-337, 345.

"Our Changing Legal Profession," by Robert G. Storey. South Dakota Bar Journal, Oct., 1951, pp. 92-102.

"Pennsylvania, A Leader In Continuing Legal Education," by Donald M. Cunningham. Pennsylvania Bar Assn. Quarterly, Jan., 1952, pp. 117-124.

"The Press and the Courts," (The Library) list of articles compiled by Sidney B. Hill, Librarian. The Record (Assn. of the Bar of the City of New York), Dec., 1951, pp. 429-433.

"Preventive Law and the Reference Service," by Wm. A. Parks. The Bar Bulletin (Boston Bar Assn.), Dec., 1951, pp. 323-325.

"Protection of Lawyers from Libel," by Carl L. Shipley. The Journal of the Bar Assn. of the District of Columbia, Nov., 1951, pp. 461-465.

"A Publisher Looks at the Law," by Philip L. Graham. The Record (Assn. of the Bar of the City of New York), Jan., 1952, pp. 14-28.

"Res Adjudicata in Criminal Cases," by George R. Schmidt. Journal of the State Bar of California. Sept.-Oct., 1951, pp. 366-378.

"Selection of Judges—Why Not Preserve the Integrity of Our Courts Instead of Having to Redeem It?" by J. Chrys Dougherty. Texas Bar Journal, Nov., 1951, pp. 629-630, 648.

"The Stream of Progress in the Law and Its Administration," by Bernard L. Shientag. Bar Bulletin (N. Y. County Lawyers Assn.), Part I, Nov., 1951, pp. 4-15. Part II, Jan., 1952, pp. 23-32.

"Supplementary Report on the Availability of Legal Services for Low and Middle Income Groups." Lawyers Guild Review, Fall, 1951, pp. 186-193.

"The Supreme Court Looks at the Lawyer," by Carl V. Weygandt, Ohio BAR (Ohio State Bar Assn.), Dec. 3, 1951, pp. 747-750. "The Lawyer Looks at the Supreme Court," by Luther Day, pp. 750-752.

"The Tokyo Trial," by Solis Horwitz. Decision Law Journal (Philippine Education Foundation), Oct. 31, 1951, pp. 577-597. Nov. 30, 1951, pp. 641-657.

"'Total Bar Plan' for Legal Aid," by Hatch Graham. The Los Angeles Daily Journal, Dec. 3, 1951, pp. 1, 9.

"Trends in Federal Practice," by Rubey M. Hulen. Journal of the Missouri Bar, Jan., 1952, pp. 1-2, 28-31.

New Members of the American Judicature Society

Alabama
Montgomery
A. J. HARRIS

Hawaii
Honolulu
WILLIAM B. COBB

Nevada
Battle Mountain
D. W. PRIEST
Carson City
RICHARD L. WATERS, JR.
Elko
F. GRANT SAWYER
ORVILLE R. WILSON
TAYLOR H. WINES
Ely
JON R. COLLINS
Las Vegas
C. NORMAN CORNWALL
G. WILLIAM COULTHARD
GEORGE M. DICKERSON
TOY R. GREGORY
A. W. HAM, JR.
MICHAEL L. HINES
JOE HUFFORD
CLIFFORD A. JONES
ROBERT E. JONES
FRANK MCNAMEE
LEO A. MCNAMEE
WILLIAM R. MORSE
GEORGE RUDIAK
RYLAND G. TAYLOR
EMILIE N. WANDERER
LOUIS WIENER, JR.
Reno
MORGAN ANGLIM
ALAN BIBLE
ERNEST S. BROWN
RICHARD W. BLAKEY
STANLEY H. BROWN
WILLIAM J. CASHILL
JOHN ROBB CLARKE
THOMAS A. COOKE
M. A. DISKIN
PETER ECHEVERRIA
SAMUEL B. FRANCOVICH
JOHN D. FURRH, JR.
DAVID GOLDWATER
CLARK J. GUILD, JR.
HAROLD V. HARRIS
PRINCE A. HAWKINS
HARLAN L. HEWARD
WILLIAM P. HORGAN
CHARLOTTE HUNTER
A. D. JENSEN
ARTHUR F. LASHER
LESLIE A. LEGGETT
GEORGE LOHSE
GEORGE E. MCKERNON
E. J. MORRISSETT
NADA NOVAKOVICH
BRUCE D. ROBERTS
JOHN E. ROBINSON
THOMAS F. RYAN
MARTIN J. SCANLAN
DAVID P. SINAI
JOHN S. SINAI
LLOYD V. SMITH
GEORGE SPRINGMEYER
SALLIE R. SPRINGMEYER
JACK STREETER
MAURICE J. SULLIVAN, JR.
BRUCE R. THOMPSON
GORDON R. THOMPSON
GEORGE L. VARGAS
VIRGIL H. WEDGE
WILLIAM K. WOODBURN
Tonopah
WILLIAM J. CROWELL
Winnemucca
JAMES A. CALLAHAN
DONALD M. LEIGHTON

New Mexico
Albuquerque
ADLAI S. BAKER
JOHN A. BAUMAN
JAMES A. BORLAND
ROBERT H. LAFOLLETTE
THOMAS J. MABRY
JAMES A. MALONEY
FREDERICK L. NOHL
ROBERT J. NORDHAUS
BENJAMIN OBUNA
JOSEPH CHANDLER RYAN
JAMES E. SPERLING
JAMES R. TOULOUSE
Carlsbad
C. ROY ANDERSON
MYER ROSENBERG
Farmington
PAUL B. PALMER
Gallup
HERBERT C. DENNY
Hobbs
W. D. GIRAND, JR.
Hot Springs
DOUGLASS K. FITZHUGH
Las Vegas
HENRY E. BLATTMAN
Portales
ELIAS T. HENSLEY, JR.
Roswell
GEORGE H. HUNKER, JR.
Santa Fe
DVAID CHAVEZ, JR.
A. M. FERNANDEZ
HERBERT B. GERHART
HENRY J. HUGHES
EUGENE D. LUJAN
JAMES B. MCGHEE
JOE L. MARTINEZ
Silver City
THOMAS P. FOY

Oregon
Eugene
NEIL BROWN

Virginia
Alexandria
JOHN ALVIN CROGHAN

This journal is sent free to all who are interested in the problems of judicial administration. For those who desire more than a passive participation the Society offers its Voting Membership, with annual dues of five dollars, and its Sustaining Membership for those who place a higher estimate upon their responsibility.

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?

—Abraham Lincoln